

FISCAL COMMITTEE OF THE GENERAL COURT

MINUTES

October 14, 2022

The Fiscal Committee of the General Court met on Friday, October 14, 2022, at 10:00 a.m. in Room 210-211 of the Legislative Office Building.

Members in attendance were as follows:

Representative Karen Umberger, Chairman
Representative Tracy Emerick
Representative Jess Edwards
Representative Keith Erf
Representative Peter Leishman
Representative Bob Lynn (Alternate)
Senator Gary Daniels
Senator Jeb Bradley (Alternate)
Senator James Gray
Senator Cindy Rosenwald
Senator Donna Soucy (Alternate)

The Chair called the meeting to order at 10:02 a.m.

ACCEPTANCE OF MINUTES:

On a motion by Senator Bradley, seconded by Senator Daniels, that the Committee approve the minutes of the September 6, 2022 and September 9, 2022 meetings. MOTION ADOPTED.

OLD BUSINESS:

FIS 22-023 Department of Health and Human Services – authorization to accept and expend \$350,000 in other funds through June 30, 2023, tabled January 21, 2022. NO ACTION TAKEN.

NEW BUSINESS:

CONSENT CALENDAR

The Department of Health and Human Services withdrew request FIS 22-365 seeking authorization to accept and expend \$500,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023. WITHDRAWN BY AGENCY.

As announced by the Chair, the following items were removed from the Consent Calendar to be acted on individually;

- Tab 5 Pursuant to 14:30-a, VI. and RSA 124:15
FIS 22-339
- Tab 7 Pursuant to ARPA RSA 9:16-c, I.
FIS 22-326
- Tab 8 Pursuant to ARPA RSA 14:30-a, VI.
FIS 22-351, 22-359, 22-361, 22-362, 22-363, 22-366

On a motion by Senator Bradley, seconded by Senator Rosenwald, that the Committee approve the remaining requests under the Consent Calendar as submitted. MOTION ADOPTED. [TAB 3 pursuant to RSA 9:16-a, I, FIS 22-324 Department of Agriculture, Markets & Food – authorization to transfer \$250,000 in other funds between classes through June 30, 2023, and FIS 22-325 Department of Transportation – authorization to transfer \$405,000 in highway funds between various accounting units and classes through June 30, 2023; TAB 4 pursuant to RSA 14:30-a, VI., FIS 22-323 Department of Business and Economic Affairs – authorization to amend FIS 22-003, approved January 21, 2022, by transferring \$36,412 in federal funds between various expense classes through June 30, 2023 (Originally approved (FIS 21-007) January 15, 2021, with subsequent approval (FIS 21-174) on August 20, 2021), FIS 22-327 Department of Education – authorization to accept and expend \$2,445,271 in federal funds through June 30, 2023, FIS 22-328 Department of Energy – authorization to accept and expend \$177,354 in federal funds through June 30, 2023, FIS 22-329 Department of Environmental Services – authorization to accept and expend \$649,000 in federal funds through June 30, 2023, FIS 22-331 Department of Environmental Services – authorization to accept and expend \$663,331 in federal funds through June 30, 2023, FIS 22-332 Department of Health and Human Services – authorization to accept and expend \$57,914 in federal funds and \$43,392 in other funds through June 30, 2023, FIS 22-334 Department of Business and Economic Affairs – authorization to accept and expend \$250,000 in federal funds through June 30, 2023, FIS 22-335 Department of Business and Economic Affairs – authorization to accept and expend \$388,080 in federal funds through June 30, 2023, FIS 22-338 Department of Safety – authorization to accept and expend \$421,746 in other funds through June 30, 2023, FIS 22-340 Office of Professional Licensure and Certification – authorization to budget and expend \$680,493 in other funds through June 30, 2023, FIS 22-347 Department of Natural and Cultural Resources – authorization to budget and expend \$1,125,000 in prior year carry forward other funds through June 30, 2023, and FIS 22-350 Department of Agriculture, Markets & Food – authorization to; 1) retroactively amend FIS 21-247, approved September 17, 2021, by extending the end date from August 31, 2022 through June 30, 2023; TAB 6 pursuant to RSA 124:15, FIS 22-337 Department of Environmental Services – authorization to amend FIS 22-232, approved June 17, 2022, to establish two additional full-time temporary Environmental Program Manager (LG 27) positions through June 30, 2023; TAB 8 pursuant to ARPA RSA 14:30-a, VI., FIS 22-330 Department of Environmental Services – authorization to amend FIS 22-195, approved May 20, 2022, by transferring \$905,000 in federal ARPA funds between class lines through June 30, 2023, FIS 22-333 Pease Development Authority, Division of Ports and Harbors – authorization to amend FIS 21-351, approved November 19, 2021, to alter the purpose of the use of a portion of the federal funds in the amount of \$500,000 through June 30, 2023, FIS 22-352 Department of Natural and Cultural Resources – authorization to accept and expend \$4,000,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023, FIS 22-353 Department of Labor – authorization to accept and expend \$495,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023, FIS 22-354 Department of Revenue Administration – authorization to accept and expend \$400,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023, FIS 22-355 Department of Revenue Administration – authorization to accept and expend \$3,000,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023, FIS 22-

356 Department of Revenue Administration – authorization to accept and expend \$400,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023, FIS 22-357 Governor’s Office for Emergency Relief And Recovery – authorization to amend FIS 21-281, approved October 22, 2021, by reallocating \$3,545,028 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023, FIS 22-358 Governor’s Office for Emergency Relief And Recovery – authorization to accept and expend \$6,401,610 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023, FIS 22-360 New Hampshire Veterans Home – authorization to accept and expend \$1,120,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023, FIS 22-364 Department of Health and Human Services – authorization to accept and expend \$1,800,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023, FIS 22-367 Department of Natural and Cultural Resources – authorization to accept and expend \$175,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023, FIS 22-368 Department of Corrections – authorization to amend FIS 21-137, approved June 8, 2021, increasing the amount of funding authorized by accepting and expending \$1,427,353 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023, and FIS 22-369 Department of Corrections – authorization to accept and expend \$1,810,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023; and TAB 9 pursuant to ARPA RSA 14:30-a, VI., and RSA 124:15, FIS 22-349 New Hampshire Fish and Game Department – authorization through June 30, 2023 to; 1) accept and expend \$1,244,000 in federal American Rescue Plan Act (ARPA) State Fiscal Recovery Funds (SFRF), and 2) contingent upon approval of Request #1, authorization to establish Class 046 Consultants, and FIS 22-370 Department of Transportation – authorization through June 30, 2023 to; 1) accept and expend \$3,566,000 in federal American Rescue Plan Act (ARPA) State Fiscal Recovery Funds (SFRF), and 2) contingent upon approval of Request #1, authorization to establish Class 046 Consultants]

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE, AND RSA 124:15, POSITIONS AUTHORIZED:

CONSENT CALENDAR

FIS 22-339 Department of Health and Human Services – Nathan White, Chief Financial Officer, and Christine Santaniello, Associate Commissioner, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator Bradley, seconded by Senator Gray, that the Committee approve the request of the Department of Health and Human Services through June 30, 2023 to; 1) accept and expend \$1,353,567 in federal funds, and 2) contingent upon approval of Request #1, authorization to establish two (2) temporary full-time positions consisting of; an Administrator IV (LG 33) and a Business Systems Analyst I (LG 28).

A roll call was taken, and the results were as follows:

Representative Edwards – Yes
Representative Emerick – Yes
Representative Erf – Yes

Representative Leishman – Yes
Senator Daniels – Yes
Senator Bradley (Alternate) – Yes
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 9:16-c, I. TRANSFER OF FEDERAL GRANT FUNDS:

AMERICAN RESCUE PLAN 2021
CONSENT CALENDAR

FIS 22-326 Department of Health and Human Services – Nathan White, Chief Financial Officer, and Katja Fox, Director, Division of Behavioral Health, Department of Health and Human Services responded to questions of the Committee.

On a motion by Representative Erf, seconded by Senator Bradley, that the Committee approve the request of the Department of Health and Human Services to reallocate federal funds in the amount of \$550,000 through June 30, 2023.

A roll call was taken, and the results were as follows:

Representative Edwards – Yes
Representative Emerick – Yes
Representative Erf – Yes
Representative Leishman – Yes
Senator Daniels – Yes
Senator Bradley (Alternate) – Yes
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE:

AMERICAN RESCUE PLAN 2021
CONSENT CALENDAR

FIS 22-351 Department of Safety – Taylor Caswell, Executive Director, and Chase Hagaman, Deputy Director, Governor’s Office for Emergency Relief And Recovery responded to questions of the Committee.

On a motion by Senator Bradley, seconded by Senator Soucy, that the Committee approve the request of the Department of Safety to accept and expend \$2,050,000 in federal American Rescue Plan Act of 2021 (ARPA), State Fiscal Recovery Funds (SFRF) as part of the State Workforce Efficiency Enhancement Program (SWEEP) through June 30, 2023.

A roll call was taken, and the results were as follows:

Representative Edwards – Yes
Representative Emerick – Yes
Representative Erf – Yes
Representative Leishman – Yes
Senator Daniels – Yes
Senator Bradley (Alternate) – Yes
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (10-Yes; 0-No)
MOTION ADOPTED.

FIS 22-359 Governor’s Office for Emergency Relief And Recovery – On a motion by Senator Rosenwald, seconded by Representative Leishman, that the Committee approve the request of the Governor’s Office for Emergency Relief and Recovery to accept and expend \$20,022,503 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023.

A roll call was taken, and the results were as follows:

Representative Edwards – Yes
Representative Emerick – Yes
Representative Erf – Yes
Representative Leishman – Yes
Senator Daniels – Yes
Senator Bradley (Alternate) – Yes
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (10-Yes; 0-No)
MOTION ADOPTED.

FIS 22-361 Department of Health and Human Services – Nathan White, Chief Financial Officer, Patricia Tilley, Director of Public Health, Dr. Benjamin Chan, State Epidemiologist, Division of Public Health, and Jonathan Ballard, Chief Medical Officer, Department of Health and Human Services, responded to questions of the Committee.

Dr. Benjamin Chan, State Epidemiologist, presented the informational item FIS 22-343 Department of Health and Human Services – NH Science Brief: Safety and Effectiveness of COVID-19 mRNA Vaccines in Adults, Adolescents, & Children, September 2022 and responded to Committee questions.

On a motion by Senator Bradley, seconded by Senator Rosenwald, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$8,883,875 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023.

A roll call was taken, and the results were as follows:

Representative Edwards – Yes
Representative Emerick – Yes
Representative Erf – No
Representative Leishman – Yes
Senator Daniels – No
Senator Bradley (Alternate) – Yes
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (8-Yes; 2-No)
MOTION ADOPTED.

FIS 22-362 Department of Health and Human Services – Nathan White, Chief Financial Officer, Patricia Tilley, Director of Public Health, and Dr. Jonathan Ballard, Chief Medical Officer, Department of Health and Human Services, responded to questions of the Committee.

On a motion by Representative Leishman, seconded by Senator Soucy, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$228,228 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023.

Senator Bradley stepped out of the room.

A roll call was taken, and the results were as follows:

Representative Edwards – Yes

Representative Emerick – Yes
Representative Erf – Yes
Representative Leishman – Yes
Senator Daniels – Yes
Senator Bradley (Alternate) – Not present
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (9-Yes; 0-No)
MOTION ADOPTED.

FIS 22-363 Department of Health and Human Services – Nathan White, Chief Financial Officer, David Wieters, Director, Information Services, and Karen Hebert, Director, Division of Economic and Housing Stability, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator Rosenwald, seconded by Representative Erf, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$750,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023.

A roll call was taken, and the results were as follows:

Representative Edwards – No
Representative Emerick – Yes
Representative Erf – Yes
Representative Leishman – Yes
Senator Daniels – Yes
Senator Bradley (Alternate) – Yes
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (9-Yes; 1-No)
MOTION ADOPTED.

FIS 22-366 Department of Health and Human Services – Nathan White, Chief Financial Officer, and Henry Lipman, Director of Medicaid, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator Rosenwald, seconded by Senator Soucy, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$1,500,000 in federal American Rescue Plan Act (ARPA), State Fiscal Recovery Funds (SFRF) through June 30, 2023.

A roll call was taken, and the results were as follows:

Representative Edwards – Yes
Representative Emerick – Yes
Representative Erf – Yes
Representative Leishman – Yes
Senator Daniels – Yes
Senator Bradley (Alternate) – Yes
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 106-H:9, I. (e) FUNDING; FUND ESTABLISHED:

FIS 22-341 Department of Safety – Steven Lavoie, Director of Administration, Department of Safety was present to respond to Committee questions.

On a motion by Representative Leishman, seconded by Senator Soucy, that the Committee approve the request of the Department of Safety to budget and expend \$638,600 in other funds from the Prior Year Carry Forward Balance fund through June 30, 2023.

A roll call was taken, and the results were as follows:

Representative Edwards – Yes
Representative Emerick – Yes
Representative Erf – Yes
Representative Leishman – Yes
Senator Daniels – Yes
Senator Bradley (Alternate) – Yes
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 216-A:3-g FEES FOR PARK SYSTEM:

FIS 22-348 Department of Natural and Cultural Resources – Sarah Stewart, Commissioner, and John DeVivo, General Manager, Franconia Notch State Park and Cannon Mountain Ski Area, Department of Natural and Cultural Resources, responded to questions of the Committee.

On a motion by Senator Bradley, seconded by Representative Leishman, that the Committee table the request of the Department of Natural and Cultural Resources for approval of; 1) the fee package for the marquee winter 2022/23 and summer 2023 seasons for products at Cannon Mountain Aerial Tramway & Ski Area, in addition to Flume Gorge entry products for summer 2023 and the 2022/23 Cannon Mountain Winter Special Use Policy, which expands upon Cannon's standard operating parameters, and 2) further authority to charge weekend and holiday fees in the amount of \$10 per vehicle within the two (2) primary hiker parking lots in Franconia Notch State Park to offset the high costs involved in operating its Franconia Notch State Park Hiker Shuttle service.

A roll call was taken, and the results were as follows:

Representative Edwards – Yes
Representative Emerick – No
Representative Erf – No
Representative Leishman – Yes
Senator Daniels – Yes
Senator Bradley (Alternate) – Yes
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (8-Yes; 2-No)
MOTION ADOPTED.

CHAPTER 272:9, VI, LAWS OF 2022, DEPARTMENT OF HEALTH AND HUMAN SERVICES; DEVELOPMENTAL SERVICES; PILOT PROGRAM:

FIS 22-336 Department of Health and Human Services – Nathan White, Chief Financial Officer, and Christine Santaniello, Associate Commissioner, and Melissa St. Cyr, Chief Legal Officer, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator Bradley, seconded by Senator Gray, that the Committee approve the request of the Department of Health and Human Services to review and approval of its plan for implementation of the pilot program for individuals with developmental disabilities, between 18 and 21 years of age, who are enrolled in school and determined eligible for developmental services and who are not the responsibility of the local education agency, another state agency, or another division of the department.

A roll call was taken, and the results were as follows:

Representative Edwards – Abstained
Representative Emerick – Yes
Representative Erf – Yes
Representative Leishman – Yes

Senator Daniels – No
Senator Bradley (Alternate) – Yes
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (8-Yes; 1-No; 1-Abstained)
MOTION ADOPTED.

LATE ITEM:

FIS 22-371 Department of Administrative Services – Nathan White, Chief Financial Officer, and Joseph Ribsam, Director, Division Children, Youth and Families, Department of Health and Human Services presented the request and responded to questions of the Committee.

On a motion by Representative Edwards, seconded by Representative Erf, that the Committee approve the request of the Department of Administrative Services, pursuant to RSA 21-I:42, VI (as amended by SB 226 of the 2022 Regular Legislative Session), requesting authorization to develop a Sununu Youth Services Center Critical Staffing Incentive program beginning October 21, 2022 through June 30, 2023.

A roll call was taken, and the results were as follows:

Representative Edwards – Yes
Representative Emerick – Yes
Representative Erf – Yes
Representative Leishman – Yes
Senator Daniels – Yes
Senator Bradley (Alternate) – Yes
Senator Gray – Yes
Senator Rosenwald – Yes
Senator Soucy (Alternate) – Yes
Representative Umberger – Yes (10-Yes; 0-No)
MOTION ADOPTED.

MISCELLANEOUS:

Office of Legislative Budget Assistant – Michael Kane, Legislative Budget Assistant, requested approval to fill a vacant Auditor position in the Office of Legislative Budget Assistant, Audit Division.

On a motion by Senator Soucy, seconded by Senator Rosenwald, that the Committee approve the request of the Office of Legislative Budget Assistant to fill a vacant Auditor position

in the Office of Legislative Budget Assistant, Audit Division. MOTION ADOPTED. (10-Yes; 0-No)

INFORMATIONAL MATERIALS:

James Duris, Chief Financial Officer, New Hampshire Lottery Commission responded to questions of the Committee pertaining to, FIS 22-344 NH Lottery Commission – RSA 284:21-h, VII – Quarterly report on the status of the incentive employee recognition program for the sale of instant tickets for the fourth quarter of FY 2022.

DEPARTMENT OF ENVIRONMENTAL SERVICES – UPDATE ON PFAS IN NEW HAMPSHIRE LANDFILLS:

Michael Wimsatt, Director, Division of Waste Management, and James O'Rourke, Hydrogeologist IV, Hazardous Waste Division, Department of Environmental Services presented a handout and reported on PFAS Occurrence in Leachate at New Hampshire Landfills.


AUDIT INFORMATIONAL MATERIALS:

FIS 22-345 New Hampshire Liquor Commission – Quarterly status update to the Corrective Action Plan (CAP) of the February 2021 Performance Audit of the NHLIC Division of Enforcement and Licensing, dated September 2, 2022. No discussion held.

DATE OF NEXT MEETING AND ADJOURNMENT:

The Chair previously scheduled a future regular business meeting for Friday, November 18, 2022 to be held in Room 210-211 of the Legislative Office Building.

As announced by the Chair the meeting adjourned at 1:02 p.m.



Representative Tracy Emerick, Clerk