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# State of New Hampshire

RS 15 132

DEPARTMENT OF SAFETY  
OFFICE OF THE COMMISSIONER  
33 HAZEN DR. CONCORD, NH 03305  
603/271-2791

JOHN J. BARTHELMES  
COMMISSIONER

July 8, 2015

The Honorable Neal M. Kurk, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, New Hampshire 03301

Her Excellency, Governor Margaret Wood Hassan  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

Approved by Fiscal Committee 8/26/15  
Date

### Requested Action

1. Pursuant to RSA 14:30-a, VI, the Department of Safety, Office of the Commissioner, requests authorization to accept and expend State and Local Implementation Grant Program funds in the amount of \$870,841.00 from the National Telecommunications and Information Administration (NTIA), US Department of Commerce. Effective upon Fiscal Committee and Governor and Council approvals through December 31, 2015. Funding source: 100% Federal Funds.

2. Pursuant to RSA 124:15, authorize the Department of Safety, Office of the Commissioner, to establish class 046, consultant positions for the purpose of providing program required, communications-related data collection, surveying, outreach to local communities, documentation, technical guidance, education, assessment and reporting out to NTIA and class 050, part-time personnel to provide administrative support as well as database creation and maintenance as approved by the SLIGP Grant Program. Effective upon Fiscal Committee and Governor and Council approvals through December 31, 2015. Funding Source: 100% Federal Funds.

Funds are to be budgeted in the following account:

02-23-23-231010-88960000 Dept. of Safety Office of the Commissioner Broadband Grant

Class	Description	Current SFY 2016 Authorized	Requested Action	Revised SFY 2016 Authorized
000-403560	Federal Funds	0.00	(870,841.00)	(870,841.00)
018-500106	Overtime	0.00	32,293.00	32,293.00
020-500200	Current Expenses	0.00	7,081.00	7,081.00
021-502668	Food Institutions	0.00	6,459.00	6,459.00
022-500255	Rents-Leases	0.00	6,804.00	6,804.00
038-500177	Software License/Maint. Mainframe/Network	0.00	5,441.00	5,441.00
040-500800	Indirect Costs	0.00	50,598.00	50,598.00
041-500801	Audit Fund Set Aside	0.00	872.00	872.00
046-500464	Consultants	0.00	335,550.00	335,550.00
050-500109	Personal Services - Temp/Appointed	0.00	247,698.00	247,698.00
060-500602	Benefits	0.00	151,479.00	151,479.00
070-500704	In-State Travel Reimbursement	0.00	3,070.00	3,070.00
080-500710	Out-of-State Travel Reimbursement	0.00	23,496.00	23,496.00
	Total Expenses	0.00	870,841.00	870,841.00

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### Explanation

This request to accept \$870,841.00 represents the remaining federal share of the State and Local Implementation Program (SLIGP) funding approved by the Fiscal Committee (FIS 13-280), and Governor and Council (1/15/14, item #53). This federal grant requires a state match equivalent to 25% of federal funds or 20% of the budget. The match requirement may be met utilizing cash match, in-kind match, or a combination thereof. This requirement will be met using a currently budgeted, non-federal, personnel line. The SLIGP grant is the initial funding mechanism trend to the Nationwide Public Safety Broadband Network Requirements and Administration by First Responder Network Authority Legislation passed by Congress and signed into law February 22, 2012. It establishes the First Responder Network Authority (FirstNet), tasked with the establishment and operation of a single, nationwide Public Safety Broadband Network (PSBN). PSBN operates in the 700 MHz radio spectrum which consists of the existing 700 MHz Public Safety broadband allocation and adds the 700 MHz "D-Block" allocation. This SLIGP grant is phased and phase one is to include this State Grant Program whereas NTIA will release up to \$135 million nationally, by formula, in State grant funds to assist regional, State, tribal, and local governments:

- To plan for a single, nationwide public safety broadband network
- To identify and plan the most effective way to utilize and integrate the infrastructure, equipment, and other architecture associated with network.

Requirements at the State level include the State's consultation with FirstNet. The single officer or governmental body is expected to consult with FirstNet during the "open grant phase", which is the planning and implementation phase of this long-range project on several policies including:

- Construction of a Core and RAN build out
- Placement of towers / coverage
- Adequacy of hardening, security, reliability, and resiliency requirements
- Assignment of priority to local users / secondary
- Training needs of local users.

The SLIGP funds will be used to support planning, consultation, and data collection activities related to the establishment of this nationwide public safety broadband (primary data) network. Activities to be completed include defining coverage needs, user requirements, network hardening, resiliency requirements, and data collection. In order to complete the activities detailed above, the State will attend national meetings and conduct statewide stakeholder meetings to provide education and outreach. Data collection will be accomplished through a combination of State-led collection efforts and utilization of independent consultant(s) as required.

Class 18	These funds will be used for overtime costs associated with evening meetings, project monitoring, and administration of the SLIGP project.
Class 20	These funds will be used for supplies, outreach and education materials, and operating expenses associated with administering the SLIGP project.
Class 21	These funds will be used to cover the cost of food at outreach and education meetings held throughout the state.
Class 22	These funds will be used to cover the cost of meeting rooms for outreach and education meetings to be held throughout the state.
Class 38	These funds will be used to purchase data collection software.
Class 40	These funds will be used to pay state indirect costs.
Class 41	These funds will be used to pay audit fund set aside expenses.
Class 46	These funds will be used to hire consultants, as necessary, to provide data collection, surveying, outreach to local communities, documentation, technical guidance, education, assessment and reporting out to NTIA.
Class 50	These funds will be used to pay the cost of part-time personnel working on the SLIGP Grant project requirements.
Class 60	These funds will be used to pay benefits costs associated with overtime and part-time personnel.
Class 70	These funds will be used to pay the cost of traveling in-state to provide SLIGP outreach and education meetings to be held throughout the state.
Class 80	These funds will be used to pay for the cost of traveling out-of-state to national SLIPG conferences.

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The following information is provided in accordance with the Comptroller's instructional memorandum dated September 21, 1981.

- 1) *List of personnel involved:* Part-time personnel and temporary consultants.
- 2) *Nature, Need, and Duration:* The temporary consultants will provide for the increased needs for subject matter experts beyond the limited resources of in-house personnel in the areas of communications data collection, surveying, outreach to local communities, documentation, technical guidance, education, assessment and reporting out to NTIA.
- 3) *Relationship to existing agency programs:* Expands the capacity to achieve missions within the Department of Safety and other projects directly related to communications needs statewide.
- 4) *Has a similar program been requested of the legislature and denied?* No.
- 5) *Why wasn't funding included in the agency's budget request?* It was unclear at the time of the SFY 2014-2015 budget that there would be a potential need for part-time personnel and consultants to complete these tasks. However, funding is included in the pending SFY 2016-2017 budget, which will be adjusted to the appropriate grant level when the SFY 2016-2017 budget is adopted.
- 6) *Can portions of the grant funds be utilized?* This request is 100% federally funded.
- 7) *Estimate the funds required to continue this position(s):* The temporary consulting positions are estimated at \$335,550.00.

Highway Funds or General Funds will not be used should federal funds become unavailable.

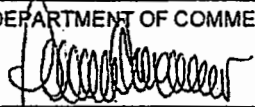
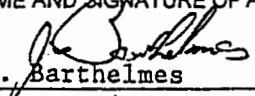
Respectfully submitted,

  
John J. Barthelmes  
Commissioner of Safety

**Department of Safety, Office of the Commissioner  
Broadband Grant**

**Fiscal Situation: Account 02-23-23-231010-88960000**

Federal Funds Awarded:	
FFY 2013 Grant 33-10-S13033 (9/1/2015-8/31/15 and Extended to 2/28/2018)	\$879,887.00
<b>Total Grant Funds Awarded</b>	<b>\$879,887.00</b>
Prior Fiscal Year(s) Actual Expenditures:	
Federal Grant spending State Fiscal Year 2014	(\$2,471.17)
Federal Grant spending State Fiscal Year 2015	<u>(\$6,574.50)</u>
<b>Total Prior Fiscal Year Actual Expenditures</b>	<b>(\$9,045.67)</b>
<b>Net Grant Funds Remaining</b>	<b>\$870,841.33</b>
<b>Excess grant funds available to appropriate</b>	<b><u><u>\$870,841.33</u></u></b>
<b>This Request</b>	<b>\$870,841.33</b>

FORM CD-450 (REV 10/98)		U.S. DEPARTMENT OF COMMERCE		X GRANT		COOPERATIVE AGREEMENT	
<b>FINANCIAL ASSISTANCE AWARD</b>				ACCOUNTING CODE			
				** See Attached**			
RECIPIENT NAME New Hampshire Department of Safety				AWARD NUMBER 33-10-S13033			
STREET ADDRESS 33 Hazen Drive				FEDERAL SHARE OF COST \$879,887.00			
CITY, STATE ZIP Concord, NH 03305				RECIPIENT SHARE OF COST \$219,973.00			
AWARD PERIOD 09/01/2013 - 08/31/2016				TOTAL ESTIMATED COST \$1,099,860.00			
AUTHORITY P.L. 112-96							
CFDA NO. AND PROJECT TITLE: 11.549 This grant will assist multiple jurisdictions in the State of New Hampshire with the eligible planning activities related to the establishment of a nationwide broadband network							
<p>This Award approved by the Grants Officer is issued in triplicate and constitutes an obligation of Federal funding. By signing the three documents, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, two signed Award documents shall be returned to the Grants Officer and the third document shall be retained by the Recipient. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally terminate this Award.</p>							
<p>X Department of Commerce Financial Assistance Standard Terms and Conditions (January 2013)</p> <p>X Special Award Conditions</p> <p>X Line Item Budget 15 CFR Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations</p> <p>X 15 CFR Part 24, Uniform Administrative Requirements for Grants and Agreements to State and Local Governments</p> <p>OMB Circular A-21, Cost Principles for Educational Institutions</p> <p>X OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments</p> <p>OMB Circular A-122, Cost Principles for Nonprofit Organizations</p> <p>48 CFR Part 31, Contract Cost Principles and Procedures</p> <p>X OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations</p> <p>X Other(s) \$439,944 of the total Federal share of cost has been reserved for Phase II, see SAC #6.</p>							
SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER				TITLE		DATE	
Jannet Cancino 				GRANT OFFICER		9/18/13	
TYPED NAME AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL				TITLE		DATE	
John J. Barthelmes 				Commissioner		9/25/13	

FORM CD-451  
(REV. 12-14)

U.S. DEPARTMENT OF COMMERCE

GRANT       COOPERATIVE AGREEMENT

## AMENDMENT TO FINANCIAL ASSISTANCE AWARD

AWARD NUMBER  
33-10-S13033

**CFDA NO. AND NAME**

11.549 - State and Local Implementation Grant Program

**PROJECT TITLE**

This grant will assist multiple jurisdictions in the State of New Hampshire with the eligible planning activities related to the establishment of a

**RECIPIENT NAME**

New Hampshire Department of Safety

**AMENDMENT NUMBER**

2

**STREET ADDRESS**

33 Hazen Drive

**EFFECTIVE DATE**

MAR 25 2015

**CITY, STATE ZIP**

Concord, NH 03305

**EXTEND PERIOD OF PERFORMANCE TO**

02/28/2018

COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$879,887.00	\$0.00	\$0.00	\$879,887.00
RECIPIENT SHARE OF COST	\$219,973.00	\$0.00	\$0.00	\$219,973.00
TOTAL ESTIMATED COST	\$1,099,860.00	\$0.00	\$0.00	\$1,099,860.00

**REASON(S) FOR AMENDMENT**

This grant is hereby amended to: 1) Incorporate Special Award Conditions (SAC) #21, providing a Programmatic Waiver of Phase I funding limitations on data collection activities and SAC #22, providing a waiver for mandatory Memorandum of Agreement (MOA) templates; 2) Extend the Project End date from 8/31/2016 to 2/28/2018; and 3) Change the Program Officer from Yuki Miyamoto to Carolyn Dunn.

ALL PREVIOUS TERMS AND CONDITIONS REMAIN IN EFFECT.

This Amendment Document (Form CD-451) signed by the Grants Officer constitutes an Amendment of the above-referenced Award, which may include an obligation of Federal funding. By signing this Form CD-451, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Amendment offer and de-obligate any associated funds.

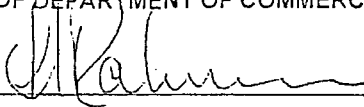
SPECIAL AWARD CONDITIONS

LINE ITEM BUDGET

OTHER(S)

**SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER**

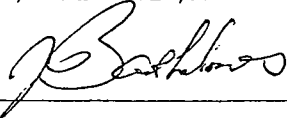
Robyn Bunch



**DATE**

3/18/2015

**TYPED NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL**



John J. Barthelmes, Commissioner

**DATE**

4/23/15

# TITLE I

## THE STATE AND ITS GOVERNMENT

### CHAPTER 14

#### LEGISLATIVE OFFICERS AND PROCEEDINGS

#### Legislative Budget Assistant

##### Section 14:30-a

###### **14:30-a Fiscal Committee. –**

I. There is hereby established a fiscal committee of the general court. Said committee shall consist of 10 members. Five shall be members of the house as follows: the chairperson of the finance committee and 2 other members of the committee, appointed by the chairperson; and 2 other house members appointed by the speaker of the house. Five members shall be members of the senate as follows: the chairperson of the finance committee and 2 other members of that committee, appointed by the chairperson; and 2 other senators appointed by the senate president. The chairperson of the house finance committee shall be the chairperson of the fiscal committee.

II. The committee shall, while the general court is in session and during the interim, consult with, assist, advise, and supervise the work of the legislative budget assistant, and may at its discretion investigate and consider any matter relative to the appropriations, expenditures, finances, revenues or any of the fiscal matters of the state. The members shall be paid the regular legislative mileage during the interim while engaged in their work as members of the committee.

III. The fiscal committee shall consider recommendations proposed to it by the legislative performance audit and oversight committee established under RSA 17-N:1. The fiscal committee shall adopt all recommendations proposed to it as provided in RSA 17-N:1, III by the performance audit and oversight committee unless the fiscal committee refuses by unanimous vote to adopt such recommendations.

IV. [Repealed.]

V. [Repealed.]

VI. Any non-state funds in excess of \$100,000, whether public or private, including refunds of expenditures, federal aid, local funds, gifts, bequests, grants, and funds from any other non-state source, which under state law require the approval of governor and council for acceptance and expenditure, may be accepted and expended by the proper persons or agencies in the state government only with the prior approval of the fiscal committee of the general court.

**Source.** 1965, 239:19. 1987, 416:7. 1989, 396:13; 408:2. 1991, 346:18, I. 1995, 9:8. 2005, 177:11. 2006, 290:21, eff. June 15, 2006. 2012, 247:10, eff. Aug. 17, 2012.

# TITLE IX

## ACQUISITION OF LANDS BY UNITED STATES; FEDERAL AID

### CHAPTER 124

#### FEDERAL AID

#### Miscellaneous

#### Section 124:15

##### **124:15 Positions Restricted. –**

I. In addition to the positions authorized by law, no new personnel positions, or consultants, or both may be created by the acceptance of federal moneys or moneys from any other source unless such positions, or consultants, or both are approved by the fiscal committee of the general court; provided, however, that the governor and council may accept all moneys available for any emergency or disaster as defined by the authority awarding such moneys; and provided further that all such moneys available to the general court or to either of its houses may be accepted by the respective presiding officers with the prior approval of the fiscal committee. Nothing herein shall be construed to affect the provisions of RSA 98:17-a.

II. Every board, agency, department or commission receiving such federal or other moneys shall attempt to apply them in whole or in part to the cost of personnel positions authorized by law so as to reduce the obligation of general funds, but if the salaries of such personnel positions cannot be paid out of such moneys then such positions shall be considered as specified in paragraph I.

III. All such moneys which fund personnel positions subject to the restrictions of this section shall be used only for the purposes or programs specified in the application for approval of the positions or as otherwise authorized by law, and all such moneys which are accepted in accordance with law are hereby appropriated.

**Source.** 1983, 469:84, eff. July 1, 1983.