



State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES
OFFICE OF THE COMMISSIONER
25 Capitol Street – Room 120
Concord, New Hampshire 03301

SEP 03 2014

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LINDA M. HODGDON
Commissioner
(603) 271-3201

JOSEPH B. BOUCHARD
Assistant Commissioner
(603) 271-3204

September 2, 2014

Her Excellency, Governor Margaret Wood Hassan
And the Honorable Executive Council
State House
Concord, NH 03301

REQUESTED ACTION

Pursuant to RSA 21-I: 14, I; RSA 541-A: 1, XV and RSA 4:15, the Department of Administrative Services requests approval of the amendments to the Department of Administrative Services Manual of Procedures ("DAS MOP"), Chapter MOP 150, Section I highlighted in Attachment A hereto, which would result in Chapter MOP 150, Section I, reading as shown in Attachment B hereto. Specifically, at the request of the Governor and Executive Council, the Department asks that Section I of Chapter MOP 150 ("Governor and Executive Council Actions") be revised to reflect certain changes to the Manual's provisions describing the Governor and Council's "consent calendar" process, effective upon Governor and Executive Council approval.

EXPLANATION

RSA 21-I: 14, I provides that the Commissioner of Administrative Services is to adopt a comprehensive uniform system of state financial management described in RSA 21-I: 13, XV and XVI in the form of a manual, to be updated and revised as the Commissioner deems necessary, to explain procedures applicable to all executive branch state agencies, officers and employees. Topics addressed in the Manual of Procedures include, but are not limited to "[g]overnor and council actions." See RSA 21-I: 14, I, (b) (4).

In 2010, the Governor and Executive Council voted to include in the Manual a provision (DAS MOP Chapter 150, Section I) documenting the "consent calendar" process used at their meetings. Assessment of that process conducted in 2014 led to a number of suggestions for change

which the Department of Administrative Services was asked to draft into the Manual for approval at the Governor and Council's meeting of September 3, 2014. This request is the result of that instruction.

The changes to DAS MOP 150, I which the Governor and Council asked the Department of Administrative Services to make are highlighted in Attachment A hereto. The text of the amended version of MOP 150, Section I that would result from the granting of this request is found at Attachment B. Upon approval, that amended text would become the operative version of DAS MOP 150, Section I. MOP Chapter 150, Sections II through VI, which deal with topics other than the consent calendar, would remain as they currently read.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda M. Hodgdon", with a long horizontal flourish extending to the right.

Linda M. Hodgdon
Commissioner

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EXECUTIVE AND LEGISLATIVE BRANCHES

ATTACHMENT A

This draft shows all proposed changes to MOP 150 (Section I only) that were presented at the July and August G & C work sessions (expanding the consent calendar) as well as a subsequent adjustment to remove “requests to accept federal funds” from the list of items that are regularly placed on the consent calendar [found in former drafts at MOP 150, I, B, 2].

*Current text is in regular type. Suggested changes stemming from the Council’s discussions have been added in **bold, underlined type** or **bold-strike-through type**. This annotated text shows to MOP 150 Section I only. Other sections of MOP 150 would remain unchanged.*

MOP 150 Governor and Executive Council Actions

I. Consent Calendar for Certain Items

- A. This section of the Manual of Procedures describes for agencies the “consent calendar” process established by the Governor and Executive Council. This calendar is for use in certain recurring circumstances where requests for **review and/or** approval generally do not give rise to inquiries by the Governor and Council.
- B. An agency may request that the following types of items be **submitted for placed on the “Consent Calendar” for Governor and Council review and/or approval on the “Consent Calendar”, provided that they do not involve a request for retroactive action. Regardless of whether an agency has made such a request, the Department of Administrative Services will determine whether requests of the following type received from agencies (which do not involve a retroactive action) are of such a nature as to render them appropriate for placement on the Consent Calendar and will convey that information to the office of the Secretary of State:**
1. **The following types of expenditure approvals:**
 1. **a) Requests to approve travel expenditures;**
 2. **b) Requests to approve tuition expenditures;**
 - c) **Requests for issuance of a warrant from funds not otherwise appropriated authorizing the Treasury to issue checks to rightful owners of abandoned or unclaimed funds;**

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d) Requests to approve participation fees or dues for membership in an organization which are applied for and registered in the name of the State of New Hampshire and/or in the name of the State agency, to the extent that such dues or fees require the approval of the Governor and Executive Council pursuant to DAS MOP 1200.

2. The following types of *approvals of acceptances*:

3. a) Requests to approve receipt of gifts.

3. The following types of *reports and findings*:

a) Agency annual and biennial reports;

b) Requests to accept, ratify, confirm, approve and/or adopt reports and findings of the Governor and Council's designee under section 21 of RSA 195-D, the New Hampshire Health and Education Facilities Authority Act;

c) Department of Transportation Monthly Equipment Acquisition Plan Status Reports which the department is required to submit to the Governor and Executive Council pursuant to any law, including budget footnotes.

4. The following types of *nominations, confirmations and appointments*:

a) Nominations for appointments or promotions of field officers of the Army and Air National Guard and confirmations, appointments or promotions of those nominees as field officers;

b) Appointments and confirmations of assistant attorneys general, criminal justice investigators and consumer protection investigators in the Department of Justice;

c) Appointments of members of highway layout commissions established pursuant to RSA 230:14 and commissions and special commissions established pursuant to RSA 230:45.

5. The following types of *other items*:

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- a) Amendments or extensions to contracts which would not result in an additional cost to the State that has not been previously authorized by the Governor and Executive Council.
- C. An agency wishing to place an item on the Consent Calendar shall clearly state at the beginning of its written submission to the Governor and Council that the item is to be placed upon the Consent Calendar. If the agency requests placement of an item on the Consent Calendar and the item is of the type specified in paragraph B above, it shall be placed on that calendar by the office of the Secretary of State **if the Department of Administrative Services concludes that such placement is appropriate in light of the particular facts of the request. The Department of Administrative Services may also specify that the foregoing types of items are to be placed on the Consent Calendar, regardless of whether an agency has made such a request, if it concludes that the item is not likely to give rise to inquiries by the Governor or Executive Council and does not involve a request for retroactive approval.**
- D. An agency that does not wish an item that is of the type specified in paragraph B above to be placed on the Consent Calendar shall clearly state that preference at the beginning of its written submission to the Governor and Council. If such a statement is made by the agency, the item shall not be placed on the Consent Calendar.**
- ~~D.~~ **E.** Items specified ~~by an agency~~ as Consent Calendar items shall be listed in a separate section of the meeting agenda. This section shall precede the section of the agenda where other agency requests are considered.
- E.** **F.** Prior to or at the time of a meeting, the Governor or any member of the Executive Council may remove any item from the Consent Calendar. Items removed from the Consent Calendar shall be considered at the time of other requests relating to the agency.
- ~~F.~~ **G.** All items not removed from the Consent Calendar shall be considered and voted on by way of a single motion for approval of the Consent Calendar.
- G.** **H.** If an agency has no business before the Governor and Executive Council after action is taken on Consent Calendar items, the agency's representative is not required to attend the remainder of the meeting.

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EXECUTIVE AND LEGISLATIVE BRANCHES

MOP 150 Governor and Executive Council Actions

I. Consent Calendar for Certain Items

- A. This section of the Manual of Procedures describes for agencies the “consent calendar” process established by the Governor and Executive Council. This calendar is for use in certain recurring circumstances where requests for review and/or approval generally do not give rise to inquiries by the Governor and Council.

- B. An agency may request that the following types of items be placed on the “Consent Calendar” for Governor and Council review and/or approval, provided that they do not involve a request for retroactive action. Regardless of whether an agency has made such a request, the Department of Administrative Services will determine whether requests of the following type received from agencies (which do not involve a retroactive action) are of such a nature as to render them appropriate for placement on the Consent Calendar and will convey that information to the office of the Secretary of State:

- 1. The following types of *expenditure approvals*:
 - a) Requests to approve travel expenditures;
 - b) Requests to approve tuition expenditures;
 - c) Requests for issuance of a warrant from funds not otherwise appropriated authorizing the Treasury to issue checks to rightful owners of abandoned or unclaimed funds;
 - d) Requests to approve participation fees or dues for membership in an organization which are applied for and registered in the name of the State of New Hampshire and/or in the name of the State agency, to the extent that such dues or fees require the approval of the Governor and Executive Council pursuant to DAS MOP 1200.

- 2. The following types of *approvals of acceptances*:
 - a) Requests to approve receipt of gifts.

- 3. The following types of *reports and findings*:
 - a) Agency annual and biennial reports;

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- b) Requests to accept, ratify, confirm, approve and/or adopt reports and findings of the Governor and Council's designee under section 21 of RSA 195-D, the New Hampshire Health and Education Facilities Authority Act;
 - c) Department of Transportation Monthly Equipment Acquisition Plan Status Reports which the department is required to submit to the Governor and Executive Council pursuant to any law, including budget footnotes.
4. The following types of *nominations, confirmations and appointments*:
- a) Nominations for appointments or promotions of field officers of the Army and Air National Guard and confirmations, appointments or promotions of those nominees as field officers;
 - b) Appointments and confirmations of assistant attorneys general, criminal justice investigators and consumer protection investigators in the Department of Justice;
 - c) Appointments of members of highway layout commissions established pursuant to RSA 230:14 and commissions and special commissions established pursuant to RSA 230: 45.
5. The following types of *other items*:
- a) Amendments or extensions to contracts which would not result in an additional cost to the State that has not been previously authorized by the Governor and Executive Council.
- C. An agency wishing to place an item on the Consent Calendar shall clearly state at the beginning of its written submission to the Governor and Council that the item is to be placed upon the Consent Calendar. If the agency requests placement of an item on the Consent Calendar and the item is of the type specified in paragraph B above, it shall be placed on that calendar by the office of the Secretary of State if the Department of Administrative Services concludes that such placement is appropriate in light of the particular facts of the request. The Department of Administrative Services may also specify that the foregoing types of items are to be placed on the Consent Calendar, regardless of whether an agency has made such a request, if it concludes that the item is not likely to give rise to inquiries by the Governor or Executive Council and does not involve a request for retroactive approval.

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- D.** An agency that does not wish an item that is of the type specified in paragraph B above to be placed on the Consent Calendar shall clearly state that preference at the beginning of its written submission to the Governor and Council. If such a statement is made by the agency, the item shall not be placed on the Consent Calendar.
- E.** Items specified as Consent Calendar items shall be listed in a separate section of the meeting agenda. This section shall precede the section of the agenda where other agency requests are considered.
- F.** Prior to or at the time of a meeting, the Governor or any member of the Executive Council may remove any item from the Consent Calendar. Items removed from the Consent Calendar shall be considered at the time of other requests relating to the agency.
- G.** All items not removed from the Consent Calendar shall be considered and voted on by way of a single motion for approval of the Consent Calendar.
- H.** If an agency has no business before the Governor and Executive Council after action is taken on Consent Calendar items, the agency's representative is not required to attend the remainder of the meeting.