

89  
18 075 mac

# State of New Hampshire

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



JOHN J. BARTHELMES  
COMMISSIONER

March 15, 2018

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

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

*[Signature]*  
Approved by Fiscal Committee      4/25/18  
Date

### Requested Action

Pursuant to RSA 14:30-a, VI, authorize the Department of Safety (DOS), Division of State Police, to accept and expend an additional \$167,906.00 in federal pass-through funds from the Department of Safety, Office of Highway Safety, entitled "Enforcement Patrols" for the purpose of motor vehicle enforcement on the State's interstate systems. Effective upon Fiscal Committee and Governor and Council approvals through September 30, 2018. Funding Source: 100% Agency Income.

Funds are available in SFY2018 in the following account:

02-23-23-234010-74790000 Dept. of Safety – Division of State Police – Enforcement Patrols  
Amount:            \$167,906.00

| <u>Class</u> | <u>Description</u> | <u>Current Appropriation</u> | <u>Requested Action</u> | <u>Revised Appropriation</u> |
|--------------|--------------------|------------------------------|-------------------------|------------------------------|
| 009-407036   | Agency Income      | \$ (129,571.00)              | \$ (167,906.00)         | \$ (297,477.00)              |
| 018-500106   | Overtime           | \$ 89,449.00                 | \$ 115,502.00           | \$ 204,951.00                |
| 040-500800   | Indirect Costs     | \$ 12,500.00                 | \$ 17,510.00            | \$ 30,010.00                 |
| 060-500606   | Benefits           | \$ 27,622.00                 | \$ 34,894.00            | \$ 62,516.00                 |
|              | Total              | \$ 129,571.00                | \$ 167,906.00           | \$ 297,477.00                |

### Explanation

In an effort to combat the problems being experienced with motor vehicle violations, the NH State Police will hire, on an off-duty basis, currently employed State Police troopers to work one-person overtime enforcement patrols when the violations have been found to be most prevalent.

In 2017, a total of 8,297 vehicles were stopped resulting in 4,559 warnings, 4,140 summonses, and 91 arrests as a result of this grant. This year's funding is expected to produce similar results. The high visibility of the NH State Police patrol units will serve as a deterrent for motor vehicle violators. The additional patrols funded under this agreement, coupled with the existing NH State Police units, will demonstrate to the motoring public that efforts are being made to keep them safe while driving on the roadways in New Hampshire.

The Honorable Neal M. Kurk, Chairman  
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
March 15, 2018  
Page 2 of 2

Additional funds are to be budgeted as follows:

Additional funds in Class 18, Overtime, are needed to pay the overtime for details as approved by the approving Federal Agency.

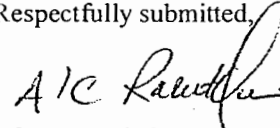
Additional funds in Class 40, Indirect Costs, are needed to pay the indirect cost on the remaining appropriations.


Additional funds in Class 60, Benefits, are needed to pay for benefits associated with the overtime for the details as approved by the approving Federal Agency.

This is a sub-award of federal funds awarded to the Office of Highway Safety from the National Highway Traffic Safety Administration (NHTSA). NHTSA has confirmed that the provisions of RSA 604-A:1-c are not allowable costs under the grant.

In the event that Agency Income funds become no longer available General and/or Highway funds will not be requested to support this program.

Respectfully submitted,

  
Doc: John J. Barthelmes  
Commissioner of Safety

 **Department of Safety**  
**Enforcement Patrols**  
**Fiscal Situation**

|   |                                   |
|---|-----------------------------------|
| Federal Funds Awarded:  |                                   |
| FFY 2017 - NH State Police Enforcement Patrols - 10/1/16 - 9/30/2017                      | \$203,909.65                      |
| FFY 2018 - NH State Police Enforcement Patrols - 10/1/17 - 9/30/2018                      | \$207,476.69                      |
| <b>Total Grant Funds Awarded</b>  | <u><b>\$411,386.34</b></u>        |
| Less SFY 2017 expenses on FFY 2017 Grants   | <b>(\$113,908.41)</b>             |
| Less Balance of FFY 2017 Grants Budgeted in SFY18 Completed                               | <u><b>\$0.00</b></u>              |
| <b>Total</b>  | <b>(\$113,908.41)</b>             |
| <b>Net Grant Funds Remaining as of July 1, 2017 (SFY 2018)</b>                            | <b>\$297,477.93</b>               |
| Less SFY 2018 Appropriation including prior year encumbrances<br>02-23-23-234010-74790000 | <b>(\$129,571.00)</b>             |
| <b>Excess grant funds available to appropriate</b>  | <u><u><b>\$167,906.93</b></u></u> |
| <b>This Request</b>   | <b>\$167,906.00</b>               |

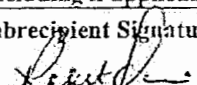
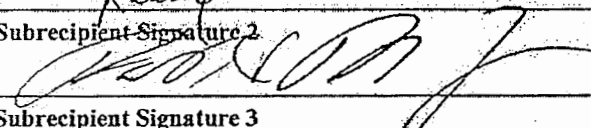
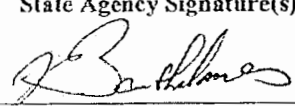
OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby  
Mutually agree as follows:  
GENERAL PROVISIONS

Project Title: NH State Police Enforcement Patrols

Project #: 315-18S-112

1. Identification and Definitions.

|   |  |  |   |
|---|--|--|---|
| 1.1. State Agency Name<br>New Hampshire Department of Safety<br>Office of Highway Safety  |  | 1.2. State Agency Address<br>33 Hazen Drive, Second Floor<br>Concord, NH 03305   |   |
| 1.3. Subrecipient Name<br>Department of Safety<br>Division of State Police  |  | 1.4. Subrecipient Address<br>33 Hazen Drive<br>Concord, NH 03305   |   |
| Chief's Email Address:  |  | Grant Contact Email:<br>Matthew.s.shapiro@dos.nh.gov   |   |
| 1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) State   |  | 1.4.2 DUNS<br>060340564  |   |
| 1.5. Subrecipient Phone #<br>603-223-3888   | 1.6. Effective Date<br>October 1, 2017 | 1.7. Completion Date<br>September 30, 2018   | 1.8. Grant Limitation<br>\$207,476.69 * |
| 1.9. Grant Officer for State Agency<br>John A. Clegg  |  | 1.10. State Agency Telephone Number<br>603-271-2131  |   |
| "By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."  |  |  |   |
| 1.11. Subrecipient Signature 1<br>  |  | 1.12. Name & Title of Subrecipient Signor 1<br>Robert L. Quinn, DOS Assistant Commissioner                                   |   |
| Subrecipient Signature 2<br>   |  | Name & Title of Subrecipient Signor 2<br>Richard C. Bailey, DOS Assistant Commissioner                                       |   |
| Subrecipient Signature 3  |  | Name & Title of Subrecipient Signor 3  |   |
| 1.13. Acknowledgment: State of New Hampshire, County of _____, on / / , before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12. |  |  |   |
| 1.13.1. Signature of Notary Public or Justice of the Peace (Seal)   |  | 1.13.2 Name & Title of Notary Public or Justice of the Peace   |   |
| 1.14. State Agency Signature(s)<br>  |  | 1.15. Name & Title of State Agency Signor(s)<br>John J. Barthelmes, Commissioner<br>NH Department of Safety<br>Date: 10/6/17 |   |
| 1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required)<br>By: Assistant Attorney General, On: / /  |  |  |   |
| 1.17. Approval by Governor and Council (if applicable)<br>By: On: / /   |  |  |   |

2. SCOPE OF WORK: In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby  
Mutually agree as follows:  
GENERAL PROVISIONS

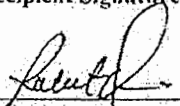
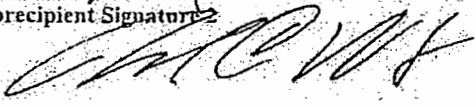
Project Title: NH State Police Enforcement Patrols

Project #: 315-17S-119

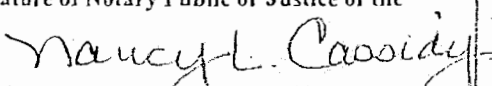
1. Identification and Definitions.

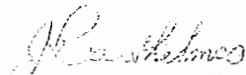
|  |  |   |   |
|--|--|---|---|
| 1.1. State Agency Name<br>New Hampshire Department of Safety<br>Office of Highway Safety                     |  | 1.2. State Agency Address<br>33 Hazen Drive, Room 109A<br>Concord, NH 03305 |   |
| 1.3. Subrecipient Name<br>Department of Safety<br>Division of State Police                                   |  | 1.4. Subrecipient Address<br>33 Hazen Drive<br>Concord, NH 03305            |   |
| Chief's Email Address:   |  | Grant Contact Email:  |   |
| 1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) State) |  | 1.4.2 DUNS<br>060340564   |   |
| 1.5. Subrecipient Phone #<br>603- 223-3888   | 1.6. Effective Date<br>October 1, 2016 | 1.7. Completion Date<br>September 30, 2017                                  | 1.8. Grant Limitation<br>\$203,909.65 * |
| 1.9. Grant Officer for State Agency<br>John A. Clegg   |  | 1.10. State Agency Telephone Number<br>603-271-2131                         |   |

"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."

|   |  |
|---|--|
| 1.11. Subrecipient Signature 1<br> | 1.12. Name & Title of Subrecipient Signor 1<br>Robert L. Quinn, DOS Assistant Commissioner |
| Subrecipient Signature 2<br>       | Name & Title of Subrecipient Signor 2<br>Richard C. Bailey, DOS Assistant Commissioner     |
| Subrecipient Signature 3  | Name & Title of Subrecipient Signor 3  |

1.13. Acknowledgment: State of New Hampshire, County of Merrimack, on 9/29/16 before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.

|  |   |
|--|---|
| 1.13.1. Signature of Notary Public or Justice of the Peace (Seal)<br> | 1.13.2 Name & Title of Notary Public or Justice of the Peace<br>NANCY L. CASSIDY, Notary Public<br>My Commission Expires April 18, 2017 |
|--|---|

|  |  |
|--|--|
| 1.14. State Agency Signature(s)<br> | 1.15. Name & Title of State Agency Signor(s)<br>John J. Barthelmes, Commissioner<br>NH Department of Safety<br>Date: 9-29-16 |
|--|--|

1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required)

By: Assistant Attorney General, On: / /

1.17. Approval by Governor and Council (if applicable)

On: / /

# TITLE LIX PROCEEDINGS IN CRIMINAL CASES

## CHAPTER 604-A ADEQUATE REPRESENTATION FOR INDIGENT DEFENDANTS IN CRIMINAL CASES

### Section 604-A:1-c

**604-A:1-c Additional Funding From State Departments and Agencies.** – Every state department, board, institution, commission, or agency which receives general fund grants or supplemental appropriations outside of the state biennial operating budget for the purpose of conducting law enforcement activities that may result in increased costs for indigent defense as determined by the court, shall transfer 5 percent of such funds received to the judicial council to be used to pay for indigent defense costs resulting from such law enforcement activities. Payment for expenses of indigent representation under this section shall be made pursuant to RSA 604-A:8.

**Source.** 2017, 156:222, eff. July 1, 2017.