

Comprehensive Cancer Plan Oversight Board **Governance Outline**

7.18.08

The Comprehensive Cancer Plan Oversight Board (OSB) is established in RSA 126-A:65 and was granted new authority in 2008 due to passage of HB1231. This new authority is designed to give the OSB the flexibility to manage reductions to the Cancer Plan Fund. The operating guidelines for the OSB are not clearly established in statute, and so the rules default to governance processes outlined in Mason's Manual of Legislative Procedure. Where there are not clearly established rules, guidance from the Attorney General's Office, the House Clerk's Office, and the Legislative Ethics Committee has been solicited. However, these advisory guidelines are not rulings.

- The quorum for the OSB is 50% of the membership. When the membership is an odd number, the 50% is rounded up to the next whole person. Currently, the OSB has a membership of 21, meaning 11 members are necessary for a quorum.
- A quorum of members (11) present and voting is necessary to hold a vote.
- A majority vote of members present and voting is required for passage.
- Members who have a conflict of interest must recuse themselves from a vote. Their presence will still count toward quorum to hold the meeting, but not toward quorum to hold the vote.
- A conflict of interest is defined as having a direct financial interest, or being employed by an organization that has a direct financial interest, in the outcome of a vote.

Frequently Asked Questions **Regarding the OSB Authority to Allocate the Cancer Plan Fund**

- Can OSB members who work for an organization, regardless of the department, which was awarded funding under any of the RFPs, vote on the allocation of the fund?
 - Answer: No.
 - Does this include staff at the Department for Health and Human Services?
 - Answer: Yes.
- ***The following two questions have been posed to the Legislative Ethics Committee at their July 9 meeting. However, they did not resolve the issue at that time and will not meet again until August 6. These answers are based on provisional guidance from the Attorney General's Office. If the Legislative Ethics Committee concludes the opposite of the below, the Oversight Board will be unable to make a voting quorum at any time and we will need to add new members at a future date.*
- *Can OSB members who work for an organization, regardless of the department, which applied for funding but was not awarded the contract, vote on the allocation of the fund?*
 - Answer: Yes.
 - *Can OSB members who were appointed by, but are not an employee of, an organization that was awarded funding under any of the RFPs, vote on the allocation of the fund?*
 - Answer: Yes.

- Can OSB members who work for an organization, regardless of the department, which was awarded funding under any of the RFPs, be active participants in the discussion regarding the vote on the allocation of the fund?
 - Answer: No. However, questions may be asked of these members through the chair.
- Can OSB members who work for an organization, regardless of the department, which was awarded funding under any of the RFPs, remain in the room for the vote on the allocation of the fund?
 - Answer: Yes. OSB meetings are public and can be viewed by anyone wishing to be present.
- Is the allocation vote a roll call vote?
 - Answer: Yes. Individual members' votes should be recorded for the public record.
- What happens in the event of a tie?
 - Answer: A majority is needed to pass a vote. A tie results in a failure to pass a measure.
- If the OSB is voting on one aspect of the allocation, such as the funding level for a single proposal, can members who would recuse themselves under a comprehensive vote join in the vote on a narrow issue unrelated to their conflict?
 - Answer: No. Any vote that could potentially change the funding levels or allocations in any way shall be treated in the same manner as the vote on final passage of the overall allocation.