

JOINT LEGISLATIVE FISCAL COMMITTEE

Legislative Office Building, Rooms 210-211

Concord, NH

Friday, October 18, 2024

MEMBERS PRESENT:

Representative Kenneth Weyler, Chair

Representative Keith Erf

Representative Jess Edwards

Representative Mary Jane Wallner

Representative Peter Leishman

Representative Gerald Griffin (Alt.)

Representative Maureen Mooney (Alt.)

Senator James Gray

Senator Howard Pearl (Alt.)

Senator Regina Birdsell

Senator Lou D'Allesandro

Senator Cindy Rosenwald

KENNETH WEYLER, State Representative, Rockingham County,
District #14 and Chairman: Good morning. I'll call the Fiscal
Committee meeting to order of October 18th, 2024, and I believe
we're going to have the Governor join us.

Good morning, Governor. Going to take some things out of
order as the Governor's schedule. We'll move to Tab 7, which the
Governor wishes to discuss. Governor.

CHRISTOPHER SUNUNU, Governor, State of New Hampshire:
Great. Well, good morning, everybody. It's always exciting to
come to Fiscal. Kind of a rarity for me. So I'm a little
nervous. You guys are more intimidating than CNN. No, I'm just
kidding.

CHAIRMAN WEYLER: I don't believe it.

GOVERNOR SUNUNU: I'm just kidding. So the main reason I've
chosen to come here today, as I think most folks know, we're
really at the end, the clock has run out, as I -- as I've said

many times, in terms of the use of this ARPA money. The federal clock, it all has to be done, really, effectively, all these items, any additional ARPA items through Fiscal effectively have to be approved today, because there's an Executive Council process. There's always some hiccups with the agencies, this and that, make sure we get all the federal I's dotted and T's crossed. So the clock is really here.

The other main reason I wanted to come directly is there has been a large amount of money that has now been made available, unfortunately, for the wrong reasons. We -- the eight items I'd like to talk about today account for about \$13.78 million.

Now, the source of the funding is the \$15 million ARPA grant that we had previously given. I think everyone was very excited to give to SolutionHealth. This was, boy, going on 18 months to 2 years ago now. The money has very recently been returned when in the very last minute decision the Londonderry Town Council voted against a Memorandum of Understanding that would have allowed this critical new mental health hospital to move forward. I think everyone was excited about that. I don't mind saying I think it was a completely foolish decision by the Town of Londonderry, took us all by surprise. But be that as it may, we had \$15 million returned to us.

What we really tried to do is keep all \$15 million in a single item for efficiency sake, but really to address mental health. I mean, that was the original purpose of the dollars, as well as address some of the concerns driven not just by the Fiscal Committee, but by the Legislature. We tried to hear some of the requests and items that the Legislature had brought up that we previously didn't have dollars for. So we're just trying to be as responsive as we can, as quick as we can to the needs before us.

So the goal is to redirect as much of that \$15 million back into mental health. Uh -- the reason we talked about was more for efficiency purposes. Um -- I guess we can kind of just jump right into them if that's okay.

So within this item what you see before you on Item A, there's really three aspects to Item A. I'll go through them one at a time and, of course, we can take questions.

So the first piece of Item A is a \$2 million allocation to Health and Human Services Transitional Housing, and this is to support the establishment of an eight-bed therapeutic transitional housing program for individuals with mental health conditions. The program assists in that the Department's bigger effort around Mission Zero, which as you know is really to make sure that we don't have any individuals waiting in our emergency rooms or hospitals awaiting mental health support.

CHAIRMAN WEYLER: Let me interrupt you for a moment.

GOVERNOR SUNUNU: Of course. I'm sorry.

CHAIRMAN WEYLER: For us to refer to the item, it looks like it's 24-371. Thank you.

GOVERNOR SUNUNU: Sure. Sorry about that. I'll give everyone a minute.

CHAIRMAN WEYLER: Everybody have it?

JESS EDWARDS, State Representative, Rockingham County, District #31: Yes, sir.

CHAIRMAN WEYLER: All right. Thank you.

GOVERNOR SUNUNU: Okay. Sorry about that. So this first item, again, is \$2 million for the transitional housing piece, supporting the Department's effort around Mission Zero in the mental health boarding crisis. What this really does is create eight new beds to move folks out of New Hampshire Hospital to facilities and programs that more fit the level of care based on their current needs. There's a lot of folks just in New Hampshire Hospital, unfortunately, that don't have a transitional place to go. Uh -- New Hampshire Hospital's really

for the most intense and immediate acute needs of mental health. These folks don't necessarily require that. And so contracting with an organization that currently does this kind of work allows that transition moving eight people out of -- eight more people out of New Hampshire Hospital, freeing up those eight beds for new incoming patients with more acute needs.

The second piece of Item A is approximately \$3 million to renovate the Psychiatric Residential Treatment Facility at the Hampstead Hospital. That's the PRTF that a lot of people know it by. The new design at the Center of Excellence, which we have already established, it does not increase the hospital footprint at all. It will be more open in the common areas, provide more single bedrooms that are therapeutically necessary for certain youth with very intensive psychosocial needs and complex trauma.

And the item really addresses calls from the community. This was a big part of, I think, both the community and the Legislature. We heard it loud and clear. We want to keep more kids in-state, right? If we can have these acute specialization opportunities where we don't have to send kids out-of-state for more of the intense, rarer needs around mental health, that's a better thing. Keep them close to home. This increases the bed count from 6 to 12 and upgrades the beds that we currently have there, bringing more specialization in.

So that is one, I think, is a great opportunity and, again, just kind of responding to everything that we've heard, and I think all of our desires to keep more of our kids closer to home in-state with more of those complex needs.

Item -- the third aspect of Item A before you is approximately \$2.7 million, and that -- that actually finances a variety of smaller, what we call them alternative bid items, which were not included in the base bid of the original YDC. These are more YDC driven items. Again, responding to legislative concerns we've heard, community concerns we've heard. How do we increase security? How do we reduce demand on town services? These dollars are all really directed in that effort. It does everything.

There's a -- there's a variety of small pieces here, but it does everything from, you know, upgrade the doors to the system, building out the Crisis Stabilization Unit, right, for those more intense moments if -- for kids that might be within YDC. So, again, we're just trying to minimize, if you will, the demand and push of kids to walk away from that facility. Having more of those opportunities within the facility keeps it more secure.

And there's a couple small pieces in here to retain, you know, helping to retain staff. Areas where we can train staff in different aspects, lessons learned type scenarios, those types of build-outs. Again, if we're retraining more staff, we can again have a better eye on the facility and reduce that demand on the Town of Hampstead Police, State Police, whatever it might require. So it's all just building out a much better experience for those kids; but, more importantly, a more secure facility for the Town of Hampstead.

Item four -- so that's the bulk of really -- that's about half of the item and that's -- that's the bulk of kind of the mental health pieces. Most of the remainder of these items for this 13.78 million are more legislative requests, less on the mental health side of things.

Now Item 4 was \$685,000 for the Department of Corrections. This is a -- for a previous project. It's an ongoing project for the repair of air handlers and duct work over at the Men's Prison. The base project has been funded by this group. That was wonderful; but due to inflationary costs and supply chain issues, they're looking for another \$685,000. So we've mostly done the project. We are looking to finish out -- finish out the project at 685,000. A few of the Reps and State Senators have called us and asked to make sure that this project could get done.

The Department of Environmental Services also looking -- this was 500,000 dealing with the very public issue we all hear about every day, cyanobacteria.

To take a step back, DES currently has -- we are fully funded and the Legislature has done a great job fully funding the remediation of cyanobacteria concerns that can be remediated today. So if there's cyanobacteria in the lake and we can put remediation to it, this technical alum stuff you put in the water really encapsulates to the cyanobacteria. DES, I think, has done a good job moving those projects forward.

The reason we don't have more projects ready to go is a lot of the smaller towns don't have the funds to figure out how bad the problem is. So these -- going through the Lakes Association, they'll be coordinating with towns and localities, other smaller Lake Associations, community associations, to do those studies, to figure out is there cyanobacteria issue, how bad is it, and what type of mitigation needs to be done.

At that point down the road, obviously, I think we all understand there may need to be additional funds to mitigate that -- those issues if the cyanobacteria persists; but it's a bit of an unknown, especially for a lot of these smaller communities, and this \$500,000 will allow them to do those studies.

The Department of Admin Services has a 1.3 -- two requests; one at \$1.3 million. It's a State House compliance issue with ADA compliance. Obviously, that's a requirement. It's a bathrooms issue. We have to make sure that we upgrade the public facilities that are -- to make sure that they're ADA compliant.

There's another Department of Administrative Services piece here for 2.4 million for this very building, for the improvements to the State House Annex Building renovations including electrical, mechanical, plumbing improvements, including some of that removal of hazardous waste items that come.

And then, finally, to round out this \$13.78 million request, GOFERR has a \$1.4 million request technically for the County of Strafford. They have a roof, a very significant, very

severe roof leakage problem that really has to be addressed immediately. So when we looked at some of the higher needs and priorities, this was one that if not funded, kind of a question of where those funds might come from. So we're just looking to assist the courthouse, which we have done before, but this is little more of an emergency need.

That rounds out the 13.78 million. Again, it's kind of putting it altogether trying to be efficient, get these things done, and allow the Executive Council, 'cause as we know the Commission -- the Commissioners themselves, the Agencies and Executive Council have their end of the process as well.

So I can answer any questions, you can kick me out, ask Taylor. You know, I'm good at math. That's about it.

CHAIRMAN WEYLER: Thank you, Governor. Questions from Committee Members? Representative Edwards and then Representative Blaisdell.

REP. EDWARDS: Thank you, Mr. Chairman, and thank you, Governor, for considering my questions.

I -- I'm -- I want to get down into the weeds just a little bit, and I apologize for that. I -- Commissioner Weaver and Dr. Henn have done a great job, I think, at opening up a design review process where a bunch of interested stakeholders could take a look at exactly some of the details of the new YDC. And -- and so there were a few things that I'd like to just make sure that are in the public record that -- that we're going to take care of.

One is we want to have the Hampstead Hospital and the new YDC as an integrated operation and there's a walkway that you may not even know about that connects the two buildings that are just wide open weather. It was an additional item. I think it's really going to be important that we ensure that that walkway gets to be covered and secure in order to move patients and people and supplies back and forth between the buildings in the

winter and not have problems. And so -- so that's -- that's a big one I'd like to make sure gets on there.

The other one is we've talked about the trouble with integrating the security of the operations between the Hampstead Hospital and the new YDC. Right now it -- it feels like the infrastructure's there for two different security offices. And -- and because the IT is incompatible, there's been some issues about trying to integrate into a single secure management center. And I'd like to know if we're going to try to resolve that in this initial build-out, because that would help with the security issue.

And then the third thing is maybe doesn't have a budget impact, but it's about worrying about whether or not drones may be able to drop paraphernalia and other things into the rec area. There were some technical options considered. I just would like an update on that so that we can get those three things sort of locked in on what our intent is with this money.

GOVERNOR SUNUNU: Sure. So I can address a couple of them and I may have to ask the Commissioner to come up. I do believe the walkway has not been included. The walkway was priced out at just under \$1 million for the walkway. That was expensive, and I think it was determined that -- I mean, if there's another way to do it, obviously, I completely agree with you. I think it would be phenomenal to have that, but I think at a million dollars for an enclosed walkway that just didn't make the list of the top priority including -- as far as the drone technology, I don't believe that's -- I know it's been talked about and looked at over at the Men's Prison, and I didn't realize it was being talked about here. I don't know if you have any information on that.

LORI A. WEAVER, Commissioner, Department of Health and Human Services: Sure, good morning. Yes, we are working with Admin Services and DPW now to explore no fly zones for things like drones. I imagine that would include the prison as well.

REP. EDWARDS: And then if I may? A million dollars to cover that walkway is probably \$950,000 too much.

GOVERNOR SUNUNU: I -- I had the same gut reaction.

REP. EDWARDS: And that's why I have been so obsessive about getting that walkway covered is because it just seems to me like it's so obvious it has to be done. And the -- the money estimate is just way out of bounds, beyond common sense.

GOVERNOR SUNUNU: Yeah. Maybe there's an opportunity to go out and rebid that piece. I mean, it's a walkway. It doesn't have to be done in conjunction with the main construction. Obviously, would be easier to do that. One idea would be just to, again, one thing we've tried -- I want to re-emphasize something. We're not adding any new beds to YDC. We're not changing the footprint or anything like that. I guess you could always design -- ask the contractor just to plan the space. I mean, you could do a small redesign if a future walkway was possible. But right now at nearly a million dollars, the needs were more in the beds and, you know, the care of the kids and the secure -- and the additional security pieces that I know the community was looking for, so.

REP. EDWARDS: Thank you. I didn't -- it's way in the weeds. I'm sorry to bring it up.

GOVERNOR SUNUNU: No, that's okay. They're good questions. And I would just, if I may, definitely something to look at in the future, you know, depending on the demand there.

CHAIRMAN WEYLER: Senator Birdsell for a question.

REGINA BIRDSELL, State Senator, Senate District #19: Thank you, Mr. Chair. Thank you, Governor, for taking my question. Has there been any consideration in -- in some of this money to reimburse the Town of Hampstead for all of the emergency response work that they've done over the past year?

GOVERNOR SUNUNU: Well, I believe that's taken up with the property -- the property tax allocation that was made by the Legislature.

SEN. BIRDSELL: Follow-up. And I thank you for putting that -- having that pass; but 191,000 doesn't really recoup a lot of the money that was spent on the emergency response. I can get a number from the Chief of Police, but it probably cost a lot more than 191,000.

GOVERNOR SUNUNU: Well, the Legislature can look at it. This is one-time money. So we are trying to keep the one-time ARPA dollars to one-time infrastructure construction costs. That would theoretically be an ongoing cost. And my sense is as the facility opens up the long-term demand on both Hampstead and YDC, 'cause we don't even have YDC up and running yet, I think will be better determined and, obviously, something for the Legislature to look at; but we just try to keep everything to one-time money.

SEN. BIRDSELL: And I -- and I understand that. My -- my thought process is to recoup what they've spent in the past because the numbers of visits, I believe, has started going down. So it's not -- it's probably not going to be an issue as much going forward, but what they've spent in the past is what I'm -- I'm concerned about.

GOVERNOR SUNUNU: Yeah. Well, I -- I would only say I'm not against doing that if it's a one-time cost other than today's kind of the day. Like I don't have that data. Sounds like you don't have that information. I don't think we've ever been sent a bill or an invoice above the property tax piece that we are -- we are granting, which is a large amount of money. So that would probably require a little more analysis in terms of what that -- what that was.

SEN. BIRDSELL: Thank you.

GOVERNOR SUNUNU: Yeah.

CHAIRMAN WEYLER: Senator Rosenwald for a question.

CINDY ROSENWALD, State Senator, Senate District #13: Thank you. And thank you, Governor, for being here. My question really, I think, is for Commissioner Weaver. Um -- we're all on board about having a PRTF and -- um -- bringing New Hampshire's children back who don't quite need hospital level care.

About two years ago when the PRTF was being constructed we got a tour, and we're told it was a 12-bed PRTF. So I guess my question is how is it that the Department was building a 12-bed unit, and it turned out that it was only a six-bed unit, and now we have to spend a lot more money to make it what you were planning to do.

MS. WEAVER: Sure. I think it's worth noting this is the first PRTF that New Hampshire has. So -- um -- first venture into this space. It is actually -- there actually are 12 beds.

As we open the facility -- um -- and provided care, it became clear pretty quickly that the space was limiting to safely provide that clinical care for the twelve. So it kept the census lower which is what the Governor's referring to around that six. So when we built that at the time through clinical practice said we needed more square footage, as well as single bedrooms. So that became, and I think the Governor mentioned that as well, became critical that we have a safe environment for kids and that we can take more kids.

So we know that by making the single bedrooms, by expanding that footprint, creating some life skill areas, a larger space where they're not necessarily as closer proximity will allow us to take kids and be more successful and be at that 12 rather than hovering between that six and that eight.

So I think it's, you know, as you open it up and as you go along, these are things you find out. It's an old building. It's over 50 years old, and it really hasn't had any renovations. So we try to make it work in this space with the

vendor that we had at the time and this is the point we're at right now. Um --

CHAIRMAN WEYLER: Follow-up.

SEN. ROSENWALD: Thank you. But I -- but I know that you have colleagues in other states and belong to associations where you can gain from the expertise of other states that have had PRTFs. Did the Department take advantage of saying -- asking questions like or do double rooms work? How -- how many single beds do we need? Or did we just go into it blind?

MS. WEAVER: No, I don't think we went into it blind. We just had opened up the hospital, taking over the hospital, and adding a brand new service line with a new vendor at the time. So we did do a lot of research. The vendor did a lot of research at the time. And I think through practice we found out that the current footprint we had is not clinically safe, and we want to expand that. So I think there's good, sound programming there. I think it's the infrastructure that needs to be matched with that programming or adjusted or edited, if you will. Edited.

GOVERNOR SUNUNU: If I may add? Just to be clear, the 12 beds meet the federal guidelines and I think that's what we -- oh, the guidelines say Y, X, and Z, and you can double up and all that. Again, when you look -- I'm just speaking. I don't have the expertise of the Commissioner, but the high intensity needs of some of these kids don't -- don't really allow for a double bed situation all the time. Or they don't have other common areas or open areas, and that makes for a tougher therapeutic assessment and treatment of those individuals -- um -- which, again, this is all designed to make -- if the atmosphere and the treatment and the clinical process is more fitting to those kids, you're going to have less of them trying to get out, if you will, or walk away from the facility, or -- or act out in other ways.

So, yeah, it all meets the federal guidelines now. I guess technically you could -- you could pack 12 kids in there. You could, but it's not going to be good. It's not going to meet the

needs of those kids and, ultimately, this is all about the care, right, getting the kids the best care and -- and making sure the facility is safe and the staff feels safe, and the staff feel like they can actually do the treatment that they were designed to do. And I think -- I mean, we -- I -- I don't -- I think it's okay to say I've personally spoken to McLean. Great institution in Massachusetts that handles these types of PRTF facility beds, the high intensive, and they all concur that, yeah, federal guidelines are one thing. The requirements are one thing. But meeting the needs of the kids to -- to get them the best care and -- and limit the amount of -- of attempts of walking away from a facility like that require some editing. Editing. We'll use that word.

SEN. ROSENWALD: If I could? I don't dispute any of that. My question is just why were -- why didn't we take advantage of what people as close as McLean could have told us two years ago so we did it right the first time. That's all. Obviously, we want to treat the kids in the best way.

GOVERNOR SUNUNU: Hm-hum.

SEN. ROSENWALD: But I'm just wondering why we didn't do a better job planning it the first time. Thank you.

CHAIRMAN WEYLER: Senator Birdsell for a question.

SEN. BIRDSELL: Just quickly. So if we didn't -- if we didn't have this found money, so to speak, would we still be looking to expand that space?

MS. WEAVER: Yes. I was going to be making a capital budget request to do so.

CHAIRMAN WEYLER: Any other questions? Recognize Senator Gray.

****** JAMES GRAY, State Senator, Senate District #06: I move FIS 24-371 found under Tab 7 for approval.

REP. EDWARDS: Second.

CHAIRMAN WEYLER: Motion and a second. Further discussion on Item 24-371?

SEN. ROSENWALD: Do we have to take it off the Consent Calendar first?

CHAIRMAN WEYLER: No.

SEN. ROSENWALD: No. Okay.

CHAIRMAN WEYLER: We've already taken it off. So that's been accomplished.

KEITH ERF, State Representative, Hillsborough County, District #28: We never moved the item.

SEN. GRAY: Well, parliamentary, okay, that we have not taken up the Consent Calendar yet, so, and that's why when I read the motion to approve it, that I mentioned both the number and the section, et cetera, that it was in so that there would be no confusion.

CHAIRMAN WEYLER: Further discussion? Seeing none. All in favor say aye? Opposed no? The item is adopted. Thank you, sir. Thank you, Governor.

GOVERNOR SUNUNU: Thank you.

*** {MOTION ADOPTED}

(1) **Acceptance of Minutes of the September 13, 2024 Meeting**

CHAIRMAN WEYLER: All right. Okay. We'll now go to our Regular Calendar. We'll welcome --

SEN. GRAY: Old Business.

CHAIRMAN WEYLER: -- Senator -- Senator Pearl replacing Senator Bradley. Welcome, Senator. And we'll start off with Tab 1, Acceptance of the minutes.

** SEN. GRAY: So move.

REP. EDWARDS: Second.

CHAIRMAN WEYLER: Motion and a second to accept the minutes. Is there any further discussion? Seeing none. All in favor say aye? Opposed no? That item is adopted.

*** {MOTION ADOPTED}

(2) Old Business:

CHAIRMAN WEYLER: And Tab 2 we have an item that was placed on the table. Recognize Senator Birdsell.

** SEN. BIRDSELL: I move to take Item 24-320 off the table.

SEN. GRAY: Second.

CHAIRMAN WEYLER: Motion and a second to take the item off the table. Further discussion? Seeing none. All in favor say aye? Opposed no?

LOU D'ALLESANDRO, State Senator, Senate District #20: No.

CHAIRMAN WEYLER: Wish to be recorded?

SEN. D'ALLESANDRO: Yes.

CHAIRMAN WEYLER: All right. Two nos. All right. Let's show of hands. How many in favor of taking it off the table? All right. And how many opposed? Two, three. All right. Seven to three. The item is off the table. Open for discussion. Senator Gray.

SEN. GRAY: Senator Bradley apparently is the one that took this -- tabled this one. His concerns have been resolved. It is a lot of money, but there is a need. Thank you.

** SEN. BIRDSELL: I move to approve.

CHAIRMAN WEYLER: Senator Birdsell moves to approve.

SEN. GRAY: Second.

CHAIRMAN WEYLER: Senator Gray seconds Item 24-320. Further discussion? Senator D'Allesandro.

SEN. D'ALLESANDRO: Thank you very much, Mr. Chairman. I agree there are needs, but there are lots of needs. Mental health has lots of needs. We're running mental health facilities at negatives, and we're treating people there with very significant problems. This is a \$500,000 item. I have great empathy for the animals certainly, but I have more empathy for human beings who need services. And when I see that my mental health center is running in the negative, when I see the mental health center in Concord is running at the negative, and I see \$500,000 going to an animal shelter, I say where are our priorities?

My priorities, my priority is taking care of people. That's what I ran for. That's what I've been here for for a long period of time. That's essential. And we know the suicide rate is high. We know people are living in the -- in the streets because they can't take care of themselves. I mean, we have basic responsibilities as citizens and as elected officials. And I think this \$500,000 could be better spent based on the needs that have manifested themselves over and over again. We had a windfall of money. We should use it as we see best to satisfy the needs of people. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Further discussion? Representative Edwards.

REP. EDWARDS: Thank you, Mr. Chair. And if the Senator take a question because I'm moved by your argument, but I'd just like to get some clarity on your position.

SEN. D'ALLESANDRO: Of course.

REP. EDWARDS: Are you aware of another \$500,000 one-time investment that we should be making in the mental health system or -- or were you talking about using it for operational issues that we'd have to have a funding tail for?

SEN. D'ALLESANDRO: Thank you for the question and make -- make -- make sure I understand the clarity of it. What -- what I'm saying is we have had requests from mental health centers for money, and we gave them money. We gave them 500,000. That didn't satisfy all of their need, but it was what was available at the time. Another 500 now has become available.

It seems to me that we should address needs that we couldn't address fully at the time because we didn't have the money. Now we have more money because of the windfall that has been created by the return of the \$15 million from SolutionHealth because they're not building -- they're not building the building. I think the direction of this \$500,000 should be to address that situation that we could only partially address in the past. I hope that's the answer to your question.

CHAIRMAN WEYLER: Representative Leishman.

PETER LEISHMAN, State Representative, Hillsborough County, District #33: Thank you, Mr. Chairman. Is it possible we could have the Commissioner come up and explain why he supports this request?

CHAIRMAN WEYLER: Yes. Is the Commissioner available?

REP. LEISHMAN: Thank you.

TAYLOR CASWELL, Commissioner, GOFERR: The question was? Sorry, Taylor Caswell.

REP. LEISHMAN: I guess I was just curious. You made the request. Maybe you could justify the request for us.

MR. CASWELL: So this is a request that we have had ongoing for quite some time from the Manchester Animal Shelter.

If we go back to I believe even late CARES or early ARPA, there was a request for funding for animal shelters generally. We did do an analysis at that time which indicated that, you know, there wasn't necessarily a need for operational costs to be provided to animal shelters across the state. And so that one did not come to you at the time.

Since then, we have had a subsequent request from the Manchester Animal Shelter initially for an amount of two and a half million dollars for a complete rehab of their facility. Um -- we determined that we wouldn't be able to provide the full two and a half million dollars for that. So we pushed -- we -- we put forward the request for a request for \$500,000 and that's sort of how it got to you today.

CHAIRMAN WEYLER: For my own opinion, we thought this would be one-time money. We should spend it on one-time events. Obviously, mental health continues on forever. And I believe there are some other items in here that assist the -- within this agenda that assists mental health. So we've got -- we've got these needs for all over. But one-time -- one-time events should possibly take precedent on some of these monies because they won't be coming back repeatedly for another building. So that's the way I looked at. Senator Rosenwald, then Senator Birdsell.

SEN. ROSENWALD: Thank you. If I could respond to Representative Edwards' question as well. I think both the Community Mental Health Centers and the Federally Qualified Health Centers both had one-time funding gaps because of a Medicaid unwind where a significant number of people lost eligibility for insurance; however, their care continued. Either those people now have rejoined Medicaid or have found some other

insurance or in some case they aged out of Medicaid. But, to me, those are one-time funds, because the unwind is complete.

So I agree with my colleague, Senator D'Allesandro, that -- um -- our mental health crisis, and also the Federally-Qualified Health Centers, they got very small Medicaid rate increases. So I think one-time infusions of this money could be incredibly helpful for the people of New Hampshire. Thank you.

CHAIRMAN WEYLER: Senator Birdsell and then Senator Gray.

SEN. BIRDSELL: I would just -- I mean, I don't disagree with what my colleagues have said. However, we just authorized over \$2 million to Hampstead Hospital to help with the mental health of our -- our kids. And we have spent a lot of money in our budget, and we will continue to spend a lot of money in our budget on the mental health of our -- our residents. So -- um -- \$500,000, I think, for this -- for Manchester Animal Shelter I think is not unreasonable, and I'm going to go ahead and support it.

CHAIRMAN WEYLER: Senator Gray.

SEN. GRAY: If you take any of the individual items that we've processed throughout these past months, one or two may stand out to you. Okay. But if you look back to the philosophy that the budget that we just passed for the state, everybody got a little bit. Everybody got a little bit, and that's how we were able to pass it through the Senate, and that's how we were able to pass it through the House. We are taking one small item in the millions and millions of dollars that we've done here and putting a microscope on it.

As I said at the beginning of this when we -- right after we pulled it off the table, it is a lot of money. And as the Commissioner said, we've taken the request from 2.5 and given them a fifth of it. Is it the right thing to do? Well, again, if we are looking at saying this group deserves something, this group deserves something which is, like I said, the philosophy

that was used when we created the budget that we are living under right now, this fits in. This is one of those items that ought to get their little piece, and that's why I will support the item.

CHAIRMAN WEYLER: Senator Pearl.

HOWARD PEARL, State Senator, Senate District #17: Thank you. Commissioner, you said you had the two and a half million dollar request originally. And one of the concerns I always have and perhaps you can address this for me is when we take and partially fund any request is that the money we're giving them they'll be actually be able to do good things with this. Were you able to identify that this half a million dollars would be able to cover some of the high priority projects of the two and half million they originally requested?

MR. CASWELL: Yes, Senator. We did do an analysis of their capability to complete the project, because we don't just have the obligation deadline that is the subject of a lot of the discussion today. We have the full expenditure deadline which is December 31st, 2026. So we don't bring anything forward to you that we don't think they're going to have the potential to complete within that time frame.

SEN. PEARL: Thank you.

CHAIRMAN WEYLER: Representative Edwards.

REP. EDWARDS: Thank you, Mr. Chair. And -- uh -- thank you, Mr. Commissioner. I -- so what I think I've -- I've heard is that -- um -- this one-time money is being set up to be used for long-term, ongoing infrastructure at the animal shelter. And that while there may be other operational ways to spend the money in mental health, we don't have an identified, unfunded infrastructure alternative in the mental health area that's competing with this animal shelter infrastructure. I just came from Rome. They built things for 3,000 years. I -- I want to know that this money is going to go to building something that's going to be sustainable for many, many years in the future and

not a one-time expense. Is -- could you just clarify, was there a competing infrastructure project for a half a million dollars?

MR. CASWELL: Um -- I would say -- um -- Representative, we have a lot of requests that have come in. Um -- I wouldn't be able to say definitively that there isn't a match for this particular amount of money for amount of requests that we've had from other -- in other categories. Um -- so I -- I'm not sure that I could definitely say to you if not this it would -- there would be nowhere else to spend it. I wouldn't be able to say that.

REP. EDWARDS: Thank you.

MR. CASWELL: Hm-hum.

CHAIRMAN WEYLER: Senator Gray.

** SEN. GRAY: I move to approve the Item FIS 24-320.

REP. ERF: Already did.

REP. EDWARDS: Second.

SEN. BIRDSELL: Second.

CHAIRMAN WEYLER: Already been done. All right. We did that already. The Clerk will call the roll on the vote of ought to pass on FIS 24-320.

REP. ERF: Representative Edwards.

REP. EDWARDS: Yes.

REP. ERF: Clerk votes yes. Representative Leishman.

REP. LEISHMAN: Yes.

REP. ERF: Representative Wallner.

MARY JANE WALLNER, State Representative, Merrimack County, District #19: No.

REP. ERF: Senator Gray.

SEN. GRAY: Yes.

REP. ERF: Senator Pearl.

SEN. PEARL: Yes.

REP. ERF: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. ERF: Senator Rosenwald.

SEN. ROSENWALD: No.

REP. ERF: Senator D'Allesandro.

SEN. D'ALLESANDRO: No.

REP. ERF: Senator Weyler.

CHAIRMAN WEYLER: Representative Weyler votes yes.

REP. ERF: Representative Weyler. Sorry. The vote is 7 to 3 in favor, Chairman.

CHAIRMAN WEYLER: The item passes.

*** {MOTION ADOPTED}

(3) RSA 9:16-a, Transfers Authorized:

(4) RSA 14:30-a, VI Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 from Any Non-State Source:

(5) 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:

(6) RSA 124:15 Positions Authorized:

AMERICAN RESCUE PLAN 2021
CONSENT CALENDAR

(7) RSA 14:30-a, VI Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 from Any Non-State Source:

REGULAR CALENDAR

(8) RSA 228:21-a Continuation; Recruitment and Retention:

CHAIRMAN WEYLER: Okay. Moving on to Tab 3 through 8. That's the Consent Calendar. Thirty -- there's 35 items now on there and plus late items that I will come to later. So these are the items that I've had request to remove.

Under Tab 4, 24-335, 24-339, 24-340, 24-356, 24-362, and under Tab 5, 24-358; under Tab 6, 24-343; and under Tab 7, 24-353 and 24-372. We have already passed Item 24-371. So that is not included now in the Consent Calendar.

** SEN. GRAY: Move to approve.

CHAIRMAN WEYLER: Senator Gray.

SEN. GRAY: Move to approve.

SEN. BIRDSELL: Second.

CHAIRMAN WEYLER: Motion to approve the rest of the items on the Consent Calendar by Senator Gray, second by Senator Birdsell. Further discussion? I guess we've got all the items that are going to be removed. All in favor of the items -- of

adopting the remaining items say aye? Opposed no? The remaining items are adopted.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: So we'll move on to Tab 4, Item 335. And I believe it was -- was that Representative Edwards had a question on that?

REP. EDWARDS: Uh -- I don't believe that was my question. My note said Representative Erf.

REP. ERF: The Senate.

CHAIRMAN WEYLER: No, I think that was the Senate.

REP. EDWARDS: 335?

CHAIRMAN WEYLER: Senator Rosenwald.

SEN. ROSENWALD: I did have a question, but I don't know if House Members also did.

CHAIRMAN WEYLER: All right. Health and Human Services is here. The question is on FIS 24-335, Department of Health and Human Services, Division of Economic Stability.

SEN. ROSENWALD: Thank you.

KAREN HEBERT, Director, Division for Economic Stability, Department of Health and Human Services: Good morning. Karen Hebert, Division Director for Economic Stability.

NATHAN WHITE, Chief Financial Officer, Department of Health and Human Services: Nathan White, Chief Financial Officer.

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: Senator Rosenwald is recognized for a question.

SEN. ROSENWALD: Thank you very much, Mr. Chairman. So this was part of Senate Bill 499, which was for Summer EBT Benefits. The bill was passed on June 13th, and -- um -- for some reason did not get signed until August 2nd, making us miss the entire summer. So the \$150 that you're proposing is going to go on the November EBT cards. Do we expect that that is going to still be there next summer? I mean, I just -- I don't understand the timing of this, because it was for summer food benefits.

MS. HEBERT: Thank you very much, Senator, for your question and concern. I -- this is a program that was newly established by the U.S. Department of Agriculture. And the rules and guidance for this program did not get released until December, and then into January and February.

The Federal Government was very aware of the late start of establishing this to issue a summer of 2024 benefit. So the states have been working very closely with the Federal Government to get the benefit distributed as soon as it possibly can. But it has always been known from the beginning of the Calendar Year that we would target and to get the benefit issued in November and into December. It has always been planned that way. And we have certainly spoken about it a number of times in different forums about that plan.

The Federal Government also did not approve the State's Plan for the summer of 2024 benefit until August 16th. So despite that, we do want this to be a summer related benefit. It has always been known that we would not be able to implement the distribution until the fall, which we are doing. The intent is to be able to have this program in place so long as the Federal Government approves the State's Plan year after year and that the funding exists as well, so that the benefit could be issued prior to the beginning of the summer -- what's known as a summer operating period, which would start as soon as classes end in that current school year, and it would last through the period of time when classes resume in that following school year period.

So that is the intent. But as I -- as I mentioned, it certainly has been a challenge to be able to get the funding distributed as close to summer as we can.

CHAIRMAN WEYLER: Follow-up.

SEN. ROSENWALD: Thank you. So because the legislative intent was for a Summer EBT Program, and it's \$150 which, I mean, I go grocery shopping so I know it doesn't go that far. Did the Department give consideration towards holding off for next summer so that school children who didn't necessarily have access to nutritious food during the summer would have this \$150 benefit next summer?

MS. HEBERT: So it's an annual benefit. Uh -- so that would happen regardless of what we did with the Summer of '24 benefit. The intent is to have a summer benefit each summer.

SEN. D'ALLESANDRO: So from what you're saying, even though we missed the boat here or somebody missed the boat here, it's a recurring program and it will now be in the summer.

MS. HEBERT: Yes. The -- the plan, and according to requirements for the program, we would be issuing the benefit just before the beginning of the summer operating period. Because the intent is to have this benefit available when school is not in session.

SEN. D'ALLESANDRO: Sure.

MS. HEBERT: So that's -- that's the target to be able to implement this before the summer operating period. But because of the late start of the entire program with the Federal Government we weren't able to do that for Summer of '24.

SEN. D'ALLESANDRO: So we missed it -- we missed it one time; but in the future we've got it covered.

MS. HEBERT: So long as the Federal Government approves the State Plan every year and that the funding is available. Yes, sir.

SEN. D'ALLESANDRO: Okay.

CHAIRMAN WEYLER: So we have no guarantee that this is an ongoing program for a number of years. It's just every year you have to apply for this.

MS. HEBERT: That is correct.

CHAIRMAN WEYLER: It would seem to make more sense to hold this money for next summer. I think we'd all support that rather than having it spent now and then an expectation next fall to have the same money again, rather than spending it now and -- and when all the meals are going to be provided out of school anyway, so. Representative Edwards.

REP. EDWARDS: Thank you. Division III spent quite a bit of time on SB 499 that Senator Rosenwald mentioned, and we amended that bill and left the Summer EBT portion in it. We -- at the time, and this is one of the details I want to clarify, this \$5.6 million, this is for the two Fiscal years and not just the first Fiscal Year. Because that's the amount of money we thought the total two-year program would be, that there would be two months in '24, July and August, and that there be the full three months in the following year.

The biggest criticism of this program when Division III spent a lot of time on it was that it's labeled a Summer EBT Program, but we knew that the program wasn't going to be able to get established until there was a retroactive payment in -- in -- around Halloween. So we knew the kids weren't going to get the money in the summer, but the family would catchup around Halloween. So -- so I -- so I -- I kind of -- I support that intent because that's what we try to do. I -- I just want to make sure that this is not just '24 money. This is '24 and '25 money.

MS. HEBERT: So this award is specifically the benefit funds for the Summer of 2024, and it needs to be expended before the end of the Calendar Year of '24. We will or we anticipate a separate award specifically for the Summer of 2025, which we would bring back before you.

REP. EDWARDS: Okay. Maybe I'm getting confused that the General Funds got -- that there's a combination of state and federal money in here and the -- and that what we're talking about is the total of both.

MS. HEBERT: Yeah, go ahead.

MR. WHITE: Sure. So just to clarify a couple of things. SB 499 did have a number of General Fund appropriations, and if you look at the appropriations within the bill, you'll see that there were two positions established there, as well as the funding that was needed to make the system changes. Those were the General Fund costs that were required.

The dollars that you see here, this is the federal award for the summer of 2024 benefits. And you'll see also that we are creating a new account here. So in the next budget cycle, I -- I would expect a change request at some point once we have better information on what we would expect these federal benefits to be. But these dollars here are explicitly for the benefits to be paid out for 2024 alone, and then these other General Fund dollars that Representative Edwards was referencing was to help stand up the program. And you'll see in the grant award documentation that's provided to you, the award wasn't provided until August 16th of this year which, again, is sort of why for the many challenges that Karen articulated, why we're coming here now and why the payments will be made through November.

CHAIRMAN WEYLER: Follow-up.

REP. EDWARDS: Thank you for refreshing my memory, Mr. White. And it's clear that this is a hundred percent the federal component.

MR. WHITE: Yeah.

REP. EDWARDS: And we were willing to spend General Funds to get it set up so we would be eligible for this, and it had a nice payback. It was about 79% or something. So I -- I intend to vote in favor of this, because I think it's completely consistent with what our intent was as it came out of the House.

CHAIRMAN WEYLER: Represent -- Senator Rosenwald.

SEN. ROSENWALD: Thank you. Is the Department planning to put this program in its Efficiency Budget or will it be a prioritized need?

MR. WHITE: The Department's Agency Budget has already been submitted. That was due back in August. And because we did not yet have a specific account established for this, we -- we did not include that until we came through Fiscal to accept those funds.

During the budget process, I -- I do expect that we will be making a request to incorporate these funds into the budget process and into the new account that has been established; but due to system limitations the account didn't exist so we couldn't put it in there.

SEN. ROSENWALD: Thank you.

** SEN. GRAY: I don't believe we have a motion to approve and I would make that at this point.

SEN. BIRDSELL: Second.

CHAIRMAN WEYLER: Okay. Senator Gray moves to adopt. Senator Birdsell seconds. Is there any further discussion?

I am not in favor of putting money out that was supposed to be for summer when there wasn't meals to into the fall when there are meals, and so there will be an expectation in the

ensuing years, well, I got it last year. Why don't I have it this year? And I think it's a dangerous thing to do.

Any further discussion? Seeing none. All in favor of this say aye? Opposed no?

CHAIRMAN WEYLER: No.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Moving on to the next item off of Consent would be Item 339, 24-339, and who has a question on this one?

REP. ERF: This was a Senate office.

CHAIRMAN WEYLER: This was -- I think this was a Senate request for removal.

SEN. GRAY: All of the items on this page that you put on hold, I had no notes on them being pulled by Senators, so.

MICHAEL KANE, Legislative Budget Assistant, Office of Legislative Budget Assistant: Representative Weyler, if I may? You did just have a question in House pre-Fiscal relative to the definition of foreign organization for --

CHAIRMAN WEYLER: Yes, that was my -- that was my question.

MR. KANE: That's in Exhibit A of their submission.

CHAIRMAN WEYLER: There's a very lengthy exhibits added to this item. Some of them raise my caution when we're talking about foreign governments and foreign languages and all this kind of thing. I'm suspicious of what I've seen in some -- in some states of taking immigrants, whether they're legal or illegal, and making them police officers. Is there any thought? Is that included in this item?

JOHN SCIPPA, Director, Police Standards and Training: Thank you for the question, Mr. Chairman. Good morning. My name is John Scippa. I'm the Director of Police Standards and Training.

Uh -- presently through Administrative Rule, one of the requirements to be a police officer in the State of New Hampshire is to be a United States citizen. And there is no other waiver or any other pathway to become a police officer in this state under the Administrative Rules.

CHAIRMAN WEYLER: Do you know why the stuff was included in here about foreign governments and so on?

MR. SCIPPA: It is our understanding, sir, that that is boiler plate template language that is used by the Department of Justice when we secure these -- these grants.

CHAIRMAN WEYLER: Thank you. Any further discussion?

****** SEN. BIRDSELL: Move to approve.

SEN. GRAY: Second.

CHAIRMAN WEYLER: Motion to approve by Senator Birdsell, second by Senator Gray. Further discussion? Seeing none. All in favor say aye? The item is adopted. Thank you.

MR. SCIPPA: Thank you.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Okay. The next item would be 340, and this is similar to 350 dealing with the security at the New Hampshire Hospital. Representative Leishman has a question.

REP. LEISHMAN: Thank you, Mr. Chairman. Thanks for taking my question. It's noted here that a request for proposals went out on March 27th. Have you received anything back or is that still out there waiting for proposal?

STEVE LAVOIE, Assistant Commissioner, Department of Safety: Yes, thank you for the question. For the record, Steve Lavoie, Assistant Commissioner of the Department of Safety. We have received proposals. I can share with you or we can share publicly. During the process we had four proposals that we received. We are working through a contract process now which will go to G & C which we are expecting to be at the end of this Calendar Year.

REP. LEISHMAN: Okay. Thanks. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Any further discussion?

****** REP. LEISHMAN: Move the item.

CHAIRMAN WEYLER: Motion to accept the item from Representative Leishman, second by Senator D'Allesandro. Any further discussion? Seeing none. All in favor say aye? Opposed no? The item is adopted.

******* **{MOTION ADOPTED}**

CHAIRMAN WEYLER: Moving on to Item 356, which is Department of Health and Human Services. Representative Edwards is recognized for a question.

REP. EDWARDS: Thank you, Mr. Chairman. And thank you, Mr. White. So I -- I -- my -- my question about this, given that this is -- is federal money is just more related to whether or not we have developed any sort of metrics to understand whether or not the money that we're spending, the federal money we're spending actually accomplishes what we want to accomplish. In this says the funds will support direct services to New Hampshire families promoting maternal and child health, positive parent/child interaction and developmental screening. All great things. I just am looking for the analytical part of this to say what metric are we going to use to know whether or not we're achieving the aims and goals of this new spend.

IAIN WATT, Director, Division of Public Health, Department of Health and Human Services: Sure. Thank you for the question. Iain Watt. I'm the Director for the Division of Public Health Services.

So the -- the home visiting program uses something called the Healthy Family America's Evidence-Based Model, which speaks to exactly the kind of metrics you're -- you're looking to determine, Representative Edwards. So things like number of families that are not entering a child welfare system, do not have an open case with DCYF. So we are trying to make sure that families receive referrals to services and care so they're developing healthy habits, healthy habits as a family, healthy parenting and -- and school readiness. All those metrics are things that I can pull from our program in terms of numbers of families in the program and positive statistics as people no longer being referred into those -- those services.

****** REP. EDWARDS: Thank you, Mr. Chair. I just wanted to make sure that we're -- we're measuring what we're spending money to chase. That -- that's my main issue. Good -- good -- good management. So thank you for the answer. I'd be willing to move the item.

SEN. BIRDSELL: I'll second.

CHAIRMAN WEYLER: Okay. Motion to approve item 24-356 by Representative Edwards, second by Senator Birdsell. Senator Gray, did you have a question?

SEN. GRAY: No.

CHAIRMAN WEYLER: Any further discussion? Seeing none. Are you ready for -- are you ready for the question? All in favor say aye? Opposed no? The item is adopted.

******* **{MOTION ADOPTED}**

CHAIRMAN WEYLER: Moving on to Item 362.

REP. EDWARDS: So that was me as well.

CHAIRMAN WEYLER: Representative Edwards has a question.

REP. EDWARDS: So this is going to sound like Ground Hog Day. It's the same issue. I just want to make sure that there are metrics in place.

Hi, how are you? The goal of this spend is to provide adult protective services with resources to enhance, improve, expand the ability of APS to investigate allegations of abuse, neglect and exploitation, all great, honorable, worthwhile goals. I just want to make sure that we have a method for management to evaluate whether or not the spending is effective and accomplishing those high aims.

MELISSA HARDY, Director, Division for Long-Term Supports and Services, Department of Health and Human Services: Thank you for the question. Melissa Hardy, Division Director for Long-Term Supports and Services.

To your point, this funding is going to be used for quality improvement specialist, which has guidelines through our federal partners as to how to measure quality and APS services. So we'll be following guidance from the Federal Government and along with, you know, developing structured work plans and improvement measures for this quality position.

** REP. EDWARDS: Thank you, Mr. Chair. That satisfies my question. I'd be willing to move if there are no other questions.

SEN. GRAY: Second.

CHAIRMAN WEYLER: Motion and a second to approve Item 362. Is there any further discussion? Seeing none. All in favor say aye? Opposed no? 24-362 is adopted.

*** {MOTION ADOPTED}

CHAIRMAN WEYLER: We're moving on to Tab 5 and looking at Item 24-358, and this dealt with Medicaid to Schools. Representative Edwards had a question.

REP. EDWARDS: Thank you, Mr. Chair.

I -- I -- um -- my -- my question -- um -- about this is really -- um -- I -- as I -- as I came to understand this program, my initial concerns about parental rights being protected were -- were addressed a year or two ago when we were more in a pilot phase, and now we're building the program out. And I just want to make sure that we have assurances that parents are going to firmly be in a consent role for the services provided and that they will in all cases be entitled to receive the information regarding their student's care through the program -- uh -- regardless of any sort of HIPAA concerns or any other concerns. Are -- are -- are we -- are we protecting the parents' ability to parent as we build out the Medicaid for Schools Program?

HENRY LIPMAN, Director, Office of Medicaid and Business Policy, Department of Health and Human Services: I think the short answer is yes. If I can just explain how? In order to participate in this program, you have to be Medicaid enrolled. A minor cannot enroll themselves. So they have to have the parent enrolled in Medicaid.

Um -- secondly, with respect to the services, the services are to support IEP plans, the Individual Education Plan for a child that has a disability or a 504 Plan which is for a medical condition. And so to be able to participate in learning, right, that's supposed to support that, both those plans require the parents' consent. They also typically are developed in consultation with the -- the provider that is associated with the child.

Then, in addition, with respect to before they can even provide a service there has to be consent that the service can be billed to Medicaid. A case head, which would be a parent in this case, also has a right to obtain the -- the billing information; but, you know, I think what we're really talking

about here is I think if -- if -- uh -- someone's faithful to what their responsibilities are, both at the school level and parental level, there should be no issue here. And I think what your concern is probably more in the space of outside of the Medicaid to Schools Program, because in the Medicaid to Schools Program the school itself has to come up with effectively half the cost of -- of the services. So, you know, someone who might access a program from a school that isn't part of the Medicaid to Schools Program, which is focused on supporting the IEPs and the 504 Plans, that -- that -- that is -- that could have that exposure that you're concerned about. But, you know, I think from an ethical standpoint, you know, the Medicaid to Schools Program and how it's structure I think has good protections for parents. And, as I said, you know, a parent who's a case head is entitled to, if they ask the Medicaid Program to provide what billing records there are, we're obligated to provide those.

REP. EDWARDS: Thank you for that. I -- I -- I've heard you even before the hearing explain that to me. And I'm -- I'm still just generally concerned about this program diverting the attention of the education system into the provision of clinical care. And I'm concerned that if we don't make sure that the parents remain in charge of their student's care completely, that we will create a trust issue that will do long-term damage to the educational -- the faith we have in the educational system.

So -- so I'm worried about over the long run the distraction that this program may have on maintaining academic excellence focus. And -- and rather than belabor that, I think we're scheduled for an HHS Oversight to do a deep dive on this, and maybe we could take some of the answers there, too.

MR. LIPMAN: I spent as much time with you on that. I think the one point I want to make sure the Committee understands is that the Medicaid to Schools Program when we're talking about IEP Plans you're talking about children with disabilities where the parent is trying to advocate in the school to get services for their child so they can learn. Or in the 504 Plan, the child has a medical condition where maybe they need a medication

during the day -- um -- that they need the school nurse to -- to administer. Um -- so I think it's a little bit different; but I think, you know, happy to spend more time on that.

You know, what's involved in this particular request is it's a fundamental change in how schools are going to get their funding, and I'm concerned about the -- the on-ramp that we have to make the change. The way that we're doing it today in terms of claiming the federal share is going to be a very big change, and schools need a good on-ramp to -- to be able to do that. We need, as the grant has a position to support that, we've got a very -- we got to get to 174 different school districts, LEAs as they're called under this program, you know, may sound like June '26 is far away. It's really not in terms of by the time we finish the procurement process for a vendor to supply the software to do the cost reports and the time studies, and for us to educate and do everything, I'm feeling a lot of pressure with respect to making sure that communities don't end up not being able to get funding which will mean, you know, pressure on local municipalities in terms of the cost of supporting the service that they are required under law to provide.

CHAIRMAN WEYLER: Further.

REP. EDWARDS: So -- so thank you for all that. And I'm -- I'm prone to support this because this is, obviously, an incremental request to change the method for how we, you know, bill and get money. So that all makes sense. I'm just concerned that as we take these little steps that if we're off a little bit, then in the long run we may end up somewhere we don't want to be, and I want each step of this to be looking at where we ultimately want to go. And if the parents do not have faith in this program, then -- then -- then that will keep this from being sustainable, I think, and undermine the faith people need in the education system as well. So -- so thank you for all of that, and I look forward to ongoing conversations.

MR. LIPMAN: Thank you.

CHAIRMAN WEYLER: Motion by Senator D'Allesandro, to approve Item 358. Second by Senator Birdsell. Is there any further discussion? Seeing none. You ready for the question? All in favor say aye? Opposed no? Item 24-358 is adopted.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: We'll move on to Tab 6 and Item 20 -- 24-343. Representative Erf is recognized for a question.

REP. ERF: Thank you, Mr. Chair, and thank you for being here. So I guess I'm not very good at phrasing questions when I write them. So I'm going to try for the third time in a couple of these. There's basically two questions I had left on this and most of them were answered very effectively. Thank you very much.

Um -- the easy one I hope is of the 175 properties that were inspected related to the lead levels in 2023, how many were found to have excessive levels of lead?

MR. WATT: Thank you for the question. So I would need to consult with the team. I don't have those numbers in front of me. If we're going to a property, which is a result again of, as noted the statutory requirement, that we inspect a property of a child under five tests above the lead action level, we would have those results internally. I would have to talk with the team in terms of what is publicly available. Some of the information is very identifiable. So I'll have to work with the team of what information we can share.

REP. ERF: Okay. Well, I would certainly hope that providing a number where it was exceeded would have nothing to do with any individuals or --

MR. WATT: Certainly --

REP. ERF: -- anybody else, and that was really the point I was trying to get across. This had to do with the x-ray fluorescent devices that you acquired some time ago for this

purpose, and I just kind of, like Representative Edwards, would like to see the results of when you're spending these monies what are you achieving. So I'd like that.

MR. WATT: Happy to share that.

REP. ERF: And the other question, which I don't know how I -- I guess this one didn't come across but it didn't. As I understand it, this pot of money that started being allocated way back a couple years ago, three years ago maybe, about \$22 million if I'm not mistaken originally, has about \$4.4 million remaining. And I'm trying to -- and I think, if I understand correctly, it has to be expended by the end of this year. But, in any case, what I was trying to understand is, is it going to be spent and, if so, on what?

MR. WATT: Thank you for the question. So the original grant was awarded in 2021, and the conclusion date was May 31st of this year, 2024. We received earlier this year a two-year extension. So the funding is actually extended at a grant level through May 31st of 2026. We did request an extension for those two years. Uh -- we only requested extension for one project and that's the Community Health workers that are funded through contracts with our Federally Qualified Health Centers, Public Health Networks, and the Family Resource Centers. We have about 30 of those individuals funded. Two and a half million dollars of the 4.4 that you cited is in contract, and then we would seek to use the additional money that's available of that 4.4 through that -- through the CHWs.

REP. WEYLER: Follow-up.

REP. ERF: I guess I must have misread this. I thought that part the term just referred to, or actually no, now it's referring to money but the people, I thought the statement was that they would then moving over to a different program and being funded over there.

MR. WATT: So the individual, so -- sorry. Let me separate two points. This item specifically is to extend a single State

position, a Program Planner III. That individual is no longer funded by the Health Disparities Grant. The reason that item is before you is that we had an administrative question in terms of the extension of the position. It is now funded through a federal grant for chronic disease. So it's not -- the 22 million is not material to that position anymore. It's funded through a Chronic Disease Grant. That's a legacy grant we have in Public Health that has a -- I don't have the end date in front of me. The 22 million has no State positions associated with it at this point. That four and a half million dollars or \$4.4 million is all being used for contractual costs for the 30 Community Health Workers that are employed at contracted agencies.

REP. ERF: Okay. Can you just repeat that, what you said about the -- so the two and a half million, who was it -- you named name what that was for, what was the name you used?

MR. WATT: So those are for Community Health Workers and that's contract work done through our FQHCs, Family Resource Centers, and the Public Health Network. So those entities with whom we have contracts with that employ the Community Health Workers directly.

** REP. ERF: Thank you very much. Move the item.

CHAIRMAN WEYLER: Okay. Motion to move the item. Who was the second? Representative Edwards. Move FIS 24-343. Any further discussion? Seeing none. All in favor say aye? The item is adopted.

*** **{MOTION ADOPTED}**

CHAIRMAN WEYLER: We'll move on to Tab 7, and we'll look at Item 353. Senator Birdsell.

SEN. GRAY: This is YDC {Inaudible}.

SEN. BIRDSELL: Sorry. I did pull it off, but I just wanted to pull it off -- um -- because I had -- I have some concerns about the payment to the YDC as -- as you know. And, Nathan,

this has nothing to do with you or the Department, but the whole process of how that YDC came to Hampstead to me has been a -- a completely flawed concept, and I'm going to be voting against the numbers.

CHAIRMAN WEYLER: Thank you. Senator Pearl.

SEN. PEARL: Thank you. Good morning. Thanks for coming in. So as I'm looking through this and reading it, I mean, I see you asking for \$5 million and -- and this is a -- I guess my question is, is this a problem that we're going to have to solve with General Fund monies next year if we do not solve this with non-New Hampshire tax revenue now using the ARPA funds?

MR. WHITE: Sure. So the purpose of this item -- um --

SEN. PEARL: I guess it was a good question. That's it.

CHARLES ARLINGHAUS, Commissioner, Department of Administrative Services: So Charlie Arlinghaus. I'm the Commissioner of Administrative Services. And the -- this money would support the construction costs and the bid -- let me start small and then -- and then you can follow-up with it. The bids came in high. This money would pay for the -- pay for the construction. If you -- if we don't spend the money, like let's say you killed this item, which I'm not suggesting -- um -- but if you killed this item, then we can't go forward with a contract -- um -- for the item. We would have to renegotiate a contract and do something else. And so -- um -- in terms of solving it with General Funds -- um -- no. Like you couldn't say no and then later appropriate General Funds. You'd have to change other laws. This is to support the construction of the facility.

CHAIRMAN WEYLER: Follow-up.

SEN. PEARL: Yeah. So if we don't approve this, it's going to -- it's going to put the contract in jeopardy or the project in jeopardy that you're trying to do now.

MR. ARLINGHAUS: Yeah, no ifs, ands, or buts.

SEN. PEARL: Yeah, and wouldn't -- I mean, isn't it reasonable to think that at some point we're going to have to do some type of upgrade with General Fund money later on to try and achieve what you're trying to with this project now?

MR. ARLINGHAUS: Well, yeah, because we have to -- we have to have a facility and if you don't use ARPA funds for it, you would absolutely have to use General Funds.

SEN. PEARL: Thank you. I guess that was my real question.

MR. WHITE: I -- I think one important consideration is there's a provision from HB 2 this past cycle that prohibits use of General Funds for this construction. So if we don't use ARPA funds, we don't have another source within our budget today that we could use given the constraints of State Law.

CHAIRMAN WEYLER: Senator Rosenwald.

SEN. ROSENWALD: Thank you, Mr. Chairman. So as I count up all of the money from what we've appropriated already, what we approved previously in Fiscal, what we did earlier this morning, and what we're being asked for now, it looks like this new facility is going to cost about \$37 million. And -- um -- the legislation that we enacted to build a new facility was for a census of 12 children with a temporary surge capacity of no more than 18. And so I just want to make sure on the public record that we are not -- nobody is planning to ever have more than 18 kids. And I have to say, also, I am hoping when I see the Department's budget that you're going to be budgeting for a census of 12. And so that's kind of a two point -- two-part question.

MR. ARLINGHAUS: Let me start with the construction standpoint. We're building a facility and if this item were to pass we expect to go to Governor and Council as soon as humanly possible with a contract with Hutter, who was the winning bidder. And the facility we're -- we're building will not

support more than flexing to 18. It -- we are not building a facility where it's even possible to do that.

So from a -- from a construction standpoint, if you wanted to put more than 18 people on the site ever, you would have to -- uh -- appropriate more dollars to do so, which I know nobody actually wants to do. I can't speak to the Operating Budget.

MR. WHITE: And -- and -- and just to clarify. It's approximately \$35.862 million total. When -- when you will see our Agency Budget request, we are planning for a transition during State Fiscal Year 27. So most of the operating costs that are incurred today to operate the facility will continue to be incurred because that's the time period -- that last year is the time period at which we're going to be moving.

There is a team that has been working for probably eight, maybe ten months or more on that transition to plan for that. So I'm -- I'm hoping as we approach the spring, particularly during the Senate phase, that we can have further conversations and we'll have additional refinements to that original request, and we can work with you to -- to get the appropriate amount for the facility.

CHAIRMAN WEYLER: Representative Edwards.

REP. EDWARDS: Thank you, Mr. Chair. Uh -- and this is kind of for the Commissioner and Commissioner Arlinghaus as well. When -- when we started really looking at the replacement of the Sununu Center there were two -- two major schools of thought. You know, one was that we needed to evolve into the therapeutic care approach to managing these juveniles at-risk. But the other was the enormous annual operational cost of the Sununu Center. And so what that drove us to was a vision in the Legislature, I think, of -- of saying that this really needed to be a shared resource operation and that's why I think Hampstead got weighted so well was that by co-location with Hampstead, we would be able to share all the resources, the personnel, the logistics base, and those sorts of things. And that sharing concept was central

to the cost management of the -- of the year over year operations.

I hate to obsess on this covered walkway issue, but it's not just a covered sidewalk. It -- it -- it is the -- the central element that creates a shared operation. If -- if you have to go outside in the snow and the rain and -- and all of that, it isn't a shared operation. It's two distinct operations, and we're never going to get the synergies we were hoping for for the resources. And -- and even, God forbid, it is a million dollars extra over the cumulative effect of the operational impact that that -- that would have, I -- I just really would hope that the managers of this project look at that corridor connecting the two facilities as more than a covered walkway. It is at its core the artery that connects and allows the sharing of these resources. And -- and I've just been frustrated over the last 18 months that this shared concept is -- is getting knocked off a center because we can't build a corridor that's appropriate to the sharing concept. And so that -- there's really not a question there; but -- but, Madam Commissioner, if you -- if you would respond to that.

MS. WEAVER: So I just want to clarify on the Shared Services. Personnel wasn't necessarily one of those Shared Services. We knew that food and laundry and environmental services would be the centralized in trying to save inefficiencies on that. I don't disagree with you about it being the artery. I think you knowing being part of some of the design conversations there was a lot of discussion about what was going to be the most efficient and safe place to actually place the facility to maximize the proximity to the existing hospital so that we weren't having maybe started out thinking about underground, right, we were going to be able to do that. Obviously, that was cost prohibitive. So we ended up with a walkway. I -- I don't disagree with you that it needs to be covered.

MR. ARLINGHAUS: I think just as a point, it's reasonable to think that as we go forward, and I share the concern of you and your friend who testified earlier that a million dollars is kind

of high. And I think that there are a lot of things that -- that -- that we can look at as a state and -- and as facility managers in terms of what we can do with own forces. And like there's a lot of things for the -- for the YDC itself that you can't do with own forces. But there are a lot of things like related to walkways, et cetera, that you -- that you really can do and probably a lot cheaper than a -- than a -- than a construction bid. And we've done that in other places where there are things that end up being very pricey in a bid because that's how bids often are because they look at it as part of a whole giant construction piece. And then you look at it and you're like, you know what, we can do the carpeting in the, you know, picked that randomly but little things like that. We can pave the parking lot. We can help build the covered walkway, et cetera. So I'm sure everybody's on board with that.

REP. EDWARDS: All right. Thank you, Mr. Chair. I appreciate everyone's patience as I obsess on this covered corridor.

CHAIRMAN WEYLER: Senator Birdsell.

SEN. BIRDSELL: Thank you, Mr. Chair. Thank you for taking my question. It's going to be kind of a two-fold. But to answer Representative Edwards, I did have a conversation with Justin Looser this week, and they are also very concerned about the walkway. However, they are looking at various options, including a van type of truck that will allow the transportation of laundry and food service so that they don't have to use the walkway. So they're looking at different options for the -- but the thing that I'm -- I'm concerned about, so the -- the amount of construction that we're looking at, is this just for a shell and then do -- are they going to be adding on for the projects, the different projects on the -- um -- on the YDC?

MR. ARLINGHAUS: The -- the building?

SEN. BIRDSELL: Right. Um -- uh -- is this 35 million or the 21, is that just for the shell of the building to build, and then are they going to do ad hoc to finish it?

MR. ARLINGHAUS: No, no. That's a good question. The construction contract will end up being the portion with the construction company, something like 32.4 million and -- and in doing so that's to build a building. It's -- while the bid was constructed with 15 alternates, of which we took I think ten and more or nine, and one's a deduct alternate you can see. But it's -- the decisions were made about alternates about things like the covered walkway doesn't affect the -- I'm sorry, I shouldn't -- I shouldn't go here. But the covered walkway doesn't affect the operation of the building. That kind of thing would have been looked at or -- or some things in parking lots, for example.

But in terms of constructing the building, one of the things we -- we can't go forward with a contract that does not construct a building that can be used. And -- and this is a -- this is -- we are constructing a functional building, period. This isn't -- this isn't I'm going to come back next year and say, well, we need 10 million 'cause -- this is a construction contract, a real honest to God done in the middle of 2026 building.

SEN. BIRDSELL: My second question, if I'm allowed, in response to Representative Edwards, he talked about the shared services was the laundry, the pharmacy, facilities, and food. Was that given a greater -- were those services given a greater percentage point versus the closest hospital, the State Police Barracks, and public transportation because that is the biggest issue that I have with the YDC coming into Hampstead. We have no nearby hospital. The State Police are 30 -- 30 minutes away, and public transportation is non-existent.

CHAIRMAN WEYLER: Anything further? Is there an answer?

MS. WEAVER: Yes. I think they were all considered as part of the criteria. I don't think that one was more than the other. They were all listed and weighed out is what I understand from the evaluation that we did.

SEN. BIRDSELL: Thank you.

CHAIRMAN WEYLER: Senator Gray.

** SEN. GRAY: Move to approve.

SEN. PEARL: Second.

CHAIRMAN WEYLER: Senator Gray moves to approve the item. Senator Pearl seconds Item 24-353. Is there further discussion? I've got one from Representative Leishman, then Representative Edwards.

REP. LEISHMAN: Thank you, Mr. Chair. So based on what I'm reading here, you had only one bid. Is there a reason others didn't bid? I assume you sent out proposals to a number of area contractors?

MR. ARLINGHAUS: Oh, no. We -- we did the whole process through everybody's pre-qualified and the, you know, DOT website and all of that like any other project. And -- and some of that is like the E-911 got five or six bidders, I forget now, and which went to bid at about the same time.

We had -- I think we had six companies that were interested in the project and that we thought 'cause you get a sense of this, right, they do walk through, et cetera, who might bid and we had six companies that were interested.

We -- we do follow-ups with people to say why didn't you bid? Why did you bid? It's a very big, complicated process. Um -- you know, you can -- you can make a -- you can make a decent living on doing State work. But State work is often very complicated -- um -- and sometimes the -- the -- the more complicated projects get fewer bidders. You know, when we bid the forensic hospital, I think there were two bidders, for example. And -- um -- I mean, we are really happy with that Hutter bid. But we talked to some of the other ones and -- and they look at it and they talk to their subs and they just kind of go in a different direction. They're like you know what,

we're going to bid. If I'm honest, I think that there were two or three bidders who were deciding am I going to bid YDC or am I going to bid 911, and they bid 911 instead. Hutter -- Hutter happened to actually do both. Didn't win that one, didn't win this one. But we're in a climate where everybody's got a lot of work. You know, if you're trying to put a porch on the front of your house you know that, he said with experience. Um -- the -- and they have a lot of work so they're choosy. And this is big and it's complicated and -- and we push risk onto the contractor.

As people know, we do design/bid/build and, you know, you bid a contract at 32 million you're committing to build it at 32 million. And -- and there aren't a lot of -- a lot of ways around that. And so you have to assume a lot of risk, and it's a big project. And so people look at it that way.

REP. LEISHMAN: Thank you. Mr. Chairman, I will be voting no along with Senator Birdsell. From the start I've had problems with this entire project, and I just think it continues to spin out of control.

CHAIRMAN WEYLER: Representative Edwards.

REP. EDWARDS: All right. Different -- different topic but kind of related. I've heard the Commissioner and Senator Birdsell accurately describe the Shared Services in -- in many points, enumerating things like laundry and -- and food, and -- and basic logistic supplies, that sort of thing. But there was also this concept that clinical resources could be shared or shareable as well by having kind of a pediatric focus at Hampstead and sort of a juvenile pediatric aspect at the YDC. There was certainly the thought that perhaps clinical staff could be shared as well, particularly in some edged situations like emergency coverage overnight or the weekends. You know, that there's some way to -- to handle that. And just having the synergy of pediatric clinicians in Hampstead and at the YDC, I'm -- I'm hoping that there's enough clinical interchange and exposure to one another that -- that it creates -- it creates a real shared environment. And so -- so I've heard you both

dismiss the clinical aspect of this, but I -- I -- I would hope that that wasn't intentional.

MS. WEAVER: No, I wasn't intentionally trying to dismiss that. I mean, we use the term Children Center of Excellence for being able to have a Campus where we're able to provide services in those facilities, and the whole idea would be economy of scales to be able to use the resources that we have for either facility as deemed appropriate. So that wouldn't rule out clinical. I think the instances you give are good examples.

REP. EDWARDS: I'm -- I'm (Inaudible).

CHAIRMAN WEYLER: Senator Rosenwald.

SEN. ROSENWALD: Thank you, Mr. Chairman. Will you be able to share educational services potentially?

MS. WEAVER: We can't mix the two populations together as they're served. So that doesn't mean that we couldn't have teachers that teach at both, but we can't make the populations together in one classroom.

SEN. ROSENWALD: All right. My question really was could the same teachers work at both facilities.

MS. WEAVER: Potentially, yes. Yes.

SEN. ROSENWALD: And is that something you're considering?

MS. WEAVER: We're considering everything.

SEN. ROSENWALD: Thank you.

MS. WEAVER: Including the walkway.

CHAIRMAN WEYLER: Further discussion?

REP. EDWARDS: Virtualization.

CHAIRMAN WEYLER: All right. Seeing none. We have a motion and a second to adopt FIS 24-353. I'm going to ask the Clerk to do a roll call vote on this.

REP. ERF: The motion is to approve FIS 24 --

CHAIRMAN WEYLER: 353.

REP. ERF: -- 353. Thank you. Very good. Okay. Starting again. Representative Edwards.

REP. EDWARDS: Yes.

REP. ERF: Representative Erf. Yes. Representative Leishman.

REP. LEISHMAN: No.

REP. ERF: Representative Wallner.

REP. WALLNER: Yes.

REP. ERF: Senator Gray.

SEN. GRAY: Yes.

REP. ERF: Senator Pearl.

SEN. PEARL: Yes.

REP. ERF: Senator Birdsell.

SEN. BIRDSELL: No.

REP. ERF: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. ERF: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. ERF: I'll try to get this right. Representative Wallner -- Weyler.

CHAIRMAN WEYLER: No.

REP. ERF: Jesus.

CHAIRMAN WEYLER: Motion passes and it is adopted.

REP. ERF: Seven to three.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: The next one we have off consent is 24-372. I believe that's Representative Gray, some observations on that.

SEN. GRAY: This one certainly the windfall needs a discussion. And so -- uh -- I have made suggestions to the Commissioner that there be some limits put on this. I suggested that if it was \$10 million, he come in for a limit of 15 million. Or if it's 50 million he come in for a limit of 75 million. So that there are some -- some boundaries that if crossed would have to come back to Fiscal next month which is the last time that we'd be able to -- to take this. And I'll turn it over to the Commissioner now.

MR CASWELL: Yes. Thank you, Senator. So this item is designed -- we refer to this as the waterfall item. So this is what we would -- we utilize at the end of our process to make sure that we are spending every last cent of the ARPA SFRF funds. And in order to do that, we need to be able to have enough time just to complete the process of all of the items that you've discussed here over the last, you know, couple of years, and most recently over the last two months as we sort of close down the final reallocations.

Um -- there's a process that goes with that. So after you consider the accept and expend items, those obviously have to go to Executive Council, and then we have to get contracts in place. We have to have contracts in place in order for those funds to count as obligated under the federal deadline.

So we are rushing, and most of my fellow Commissioners behind me probably are not happy with me at the moment. But we are rushing them to get these items through Executive Council, hopefully at their next meeting, but almost exclusively by their November, I believe, 14th meeting. And the reason for that is that we do need to continue to have a little bit of wiggle room because these projects, as you hear through the voices of all of us trying to administer these projects, have -- there are no straight lines. It is all very up and down. And where we might have an amount of money that a department may say they have funds available to put back effectively into the till, you know, when we get two weeks into a full review of that with our staff and their staff, it might be a different number. And so -- um -- this is designed to accommodate a little bit of that ambiguity that we reach at the end of this process.

So what we did with this item was we effectively recreated the same thing that we did under CARES Act, which you may recall we had a waterfall item at that time flowed into the Unemployment Insurance Trust Fund. This time what we are suggesting and requesting is that those -- the remaining ARPA SFRF funds would flow into the Affordable Housing Trust Fund at the -- at New Hampshire Housing. So any funds that would be left unobligated, so without contracted services in place by the end of this deadline, we would execute an amount equal to that that would go to the Affordable Housing Trust Fund. So that is -- that's -- that's the goal here.

SEN. GRAY: Just as a follow-up. Some of the Senators are not comfortable with a blank checkbook.

MR. CASWELL: Yes.

SEN. GRAY: Okay. Are not comfortable with if a large number -- amount of money is returned, that all going to housing, when in my opinion the deferred maintenance of the State buildings is in terrible shape, we could save money, you know, in future budgets, by not having people in leased spaces but renovating spaces that we own. And so, again, that's -- that's why the concept that I came up with was the guardrails.

There have been conversations with me about people who would like to table this item until next month, but I don't think that we need to do that. I think that -- that if you can look into your crystal ball and say, well, you know, I'm guessing that the number would be and we give you a reasonable amount of money over that -- um -- that we could both go home today and -- and be happy.

MR. CASWELL: I'm not a good guesser. If I could just say one thing on that. I think to your point, Senator, you know, if there were other projects, conceivably let's say that, you know, we have a big contract out there that for one reason or another isn't able to be executed and we have to rush something. I mean, let's just say that that agency holds out, you know, hope until the last possible moment. So we are talking some time in mid-December, and we have that project ultimately doesn't come together. Given, you know, the process and the procurement and, you know, that we would have to undertake to reassign these funds, put them through this process, put them through Executive Council, it starts to become a real challenge, I -- I would think. And I -- I'm just really very hesitant and super focused on making sure that we don't end up in a situation where we don't have an option and there's like, let's say, two or \$3 million left on a table somewhere, and then ultimately have to send that back to the Federal Government.

And I understand the -- the concern here. We -- we did this under CARES Act. We've tried to model the same approach for ARPA and understand that we will get to a point at the end of this year when it -- it's a number that I -- I -- I really can't comfortably say and put the State in a position if I get it

wrong of having to pay some money back to the Federal Government. Hopefully, that's a fair statement.

CHAIRMAN WEYLER: Senator Rosenwald.

SEN. ROSENWALD: Thank you, Mr. Chairman. What I think I've heard you say or imply is that you don't believe there will be any more time to bring anymore ARPA fund items to the November Fiscal meeting. So, essentially, what I think I'm hearing is you want to nail this down today.

MR. CASWELL: Yeah.

SEN. ROSENWALD: Without us knowing how much is in that blank check. Or, I mean, because the way it's written it just basically says anything that's unobligated prior to December 31st, 2024, which would mean it could come back next month for a vote. But are -- are you saying or implying that there will not be any more ARPA fund requests at the November Fiscal meeting because you don't think there's time to write contracts so we have to do this today?

MR. CASWELL: A couple of things. There's a lot there, Senator. I think one is I'm not aware of any items coming to the November Fiscal from ARPA -- ARPA funded projects. There -- the -- the other issue in the scenario that you raise is that even if we put this off until November, I'm not going to know what the unobligated amount is, because there still remain Council meetings. As much as we're trying to get all of those through, there are potentially changes that would occur, let's say, in December under either an existing contract or a contract that has not yet been fully executed that could change and put us in the position that I've been describing.

So, I -- I understand it's a little bit of a -- an unknown. I -- I -- I -- I could -- I could conceivably guess that the number would be probably -- well, I don't even want to do that because if one big one goes wrong, then I've given you the wrong number. So I'm -- I'm a little bit put in a tough position understandably here; but at the same time, sort of our prime

directive is not send any money back. And anything that ends up not becoming obligated under what we've got in front of you would end up providing more resources to solve the housing crisis, and it would be for affordable housing in New Hampshire. So it's a -- it's a -- it's a bit of a tough situation.

CHAIRMAN WEYLER: Follow-up.

SEN. ROSENWALD: Thank you. I remember the CARES Act waterfall item, and you did know the number then. It was like \$50 million, somewhere in that neighborhood. It was really big. How is it that you knew in advance that number, but you don't think you're going to know this number?

MR. CASWELL: I -- I -- I would -- I would say that we -- at that time in my memory, Senator, is that we did not know the final number. We were -- I -- I vividly remember running numbers and calculations with the GOFERR staff on Christmas Eve on what those numbers would be as we reached toward the end of that CARES Act deadline. You might be recalling that we did have separate items under CARES Act, under the CRF that went directly to the Unemployment Insurance Trust Fund specific obligations, but my memory would be that we did not know the final waterfall number until we got -- it was right around Christmastime of 2000 -- or 2020.

CHAIRMAN WEYLER: Senator Pearl for a question.

SEN. PEARL: Thank you, Commissioner. You know, the Affordable Housing Fund is certainly a -- a -- a notable place to put this. I guess my question is, is it possible this waterfall could spill into more than one pool?

MR. CASWELL: I mean, you can design a waterfall any way that you would like. I think we did discuss having some -- some multiple places, but it just -- uh -- it just amplifies the problem that we're talking about, which is how much. Is it a percentage? Is it an amount? And then you have to have separate contracts. It just seemed simpler to say, you know, if we make it -- we certainly see both in my GOFERR life and my BEA

life that the housing crisis is probably near the top of the issues, and we've tried and we have invested a good amount of money of ARPA funds into that issue that at the very end that would be probably one of the most effective places to put that final amount of -- that we just don't know what that number is right now -- um -- and -- and accomplish an important goal for the State.

SEN. PEARL: Thank you.

CHAIRMAN WEYLER: Further discussion? Senator Gray.

SEN. GRAY: If I could get Mr. Arlinghaus up to the -- the thing, 'cause I do want to talk about deferred maintenance. I mean -- um -- we were discussing other things yesterday, and I believe that there are contracts out there that ARPA money could be put forward for. And if those were to come forward next month, then I would be less hesitant to give you the blank check for the rest of it. If we could make some kind of an arrangement, you know, that those -- those items would be considered to come forward for at least part of this money that would have gone into the waterfall.

MR. ARLINGHAUS: So I so desperately want to figure out a way to say yes to this, but I -- let me walk through because we haven't talked about this, the -- the challenge.

In -- in the -- in the one big -- the Governor's ARPA item that he talked about, there are two things that -- that -- that are coming to us for maintenance type issues. And there are two things. One is the State House bathrooms. I'm going to use that as an example. We have a contract for State House bathrooms. I have to figure out a way to amend the contract on some ridiculous timeline Taylor's giving me, but in a nice way. And -- but what we're going to do is go, oh, wait, we are doing bathrooms. We already have a contract to do bathrooms. We're doing this many bathrooms. We're just going to add the other ones to it. Okay. That works. We can do that. That makes sense. I have a number. I can negotiate a number. We don't have to do drawings. We don't have to do additional design work. So

good, we're doing some things with the Annex renovation the same way and you got a guy gutting things for asbestos. He's going to gut more things for asbestos.

For a lot of other things, and God knows there's enough, I said to somebody when they asked our deferred maintenance list if we really did one that was accurate would be something like a billion dollars. And -- um -- somebody corrected me when I said that and they said I think we're -- I think only between eight and 900 million; but whatever it is, there's -- there's a lot we could do.

Um -- the problem is I would then have to -- I'd have to scope the work, design the contract, go back and forth with -- with the contractor, you know, called like Turnstone is doing this, go back and forth with them. Then get it through DOJ. Then get it to the Governor and Council meeting. I got -- if they have a second meeting in December, I would have an outside shot at hitting that if we could pick a really good item. The -- the problem is I don't -- I don't have a -- have a -- a parking lot. A fund. I mean, I have a -- I have a Deferred Maintenance Fund, right? We have that in the state. It's not obligated in an -- in an ARPA pleasing way. ARPA you have to have a contract with a vendor. And so I can't -- I could probably find a couple things where we could like -- like nudge a contract a little bit for a few million here and there; but it would be less about doing -- one of the things you said to me when we talked yesterday that struck me is one of the things you're looking to do is to do things that if we don't do them with ARPA funds, for example, we would have to do them in the capital budget, or we would have to do them particularly the Operating Budget. I think I would be reduced because -- because of the timing, because it's late October right now. I would be reduced to doing things that aren't my top priorities but worth doing. Or we would quote, unquote, buy a building and I'm not sure anybody really wants to buy anymore buildings. I certainly don't. Does that make sense? I mean, I -- I want -- God knows I want the money. I really do. But I just don't think I can make it work on the time -- it's because we have a 12/31 timetable.

SEN. GRAY: Certainly I understand, you know, what you've told me. Certainly the things that I can put money into for deferred maintenance that doesn't come out of the General Fund is where I want to go. Uh -- but I'm also not comfortable with an open-ended, you know, waterfall that I have no idea whether it's, you know, 20 million, a hundred million, 200 million either. And so I'm kind of left between the rock and the hard place they say where I need to support putting that money somewhere where it's going to be useful, but I've got other places other than housing if there is significant money that I would like to see those things taken care of also.

MR. CASWELL: So I don't disagree, Senator, and trust me, I spend more time, unfortunately, telling a lot of people that we may not have resources than I do telling people that we do that have requested funds. So -- um -- there is definitely that component to it. But as Commissioner Arlinghaus points out, we -- we are at a point in time where it is really, really difficult for us to be able to move funds that we're still not a hundred percent sure that we would have into a project that then had to go through a normal process. I mean, you have one more meeting in Fiscal Committee. We have just a handful of meetings left under Executive Council, all of which we need to have full approval from, and in the case of accept and expend request twice. You know, one's here and one's there, and it just gets to be a timing issue as much as anything else.

CHAIRMAN WEYLER: Further discussion. Move the item?

****** SEN. GRAY: I will make a little statement before I move the item. Certainly, I would like to see a commitment, anything that we can move if there is additional funds so that we could make a decision in the November meeting whether or not that should go into the waterfall or whether or not it's something that we would like to do. Certainly, this motion doesn't preclude that. Um -- so as I said before, I think I'm between a rock and a hard place. And I got to support this item because it needs support. But behind the scenes I think there are things that we can do to push things into that November meeting if there is significant money that -- that needs to be done. So I will move the item.

CHAIRMAN WEYLER: Is there a second? Who was the second? Senator D'Allesandro. Motion and a second to approve Item 24-372. Is there any further discussion? Seeing none. All in favor say aye? Opposed no? The item is adopted.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: We are moving on to Tab 8, the Regular Calendar, and the item is Department of Transportation. These are the -- the money for the winter maintenance on the Turnpike. Any questions?

****** REP. LEISHMAN: Move the item.

CHAIRMAN WEYLER: Representative Leishman moves to approve Item 24-365. Senator Rosenwald seconds. Is there any further discussion? Seeing none. All in favor say aye? Opposed no? The item is adopted.

***** {MOTION ADOPTED}**

(9) RSA 362-F:10, I, Renewable Energy Fund:

CHAIRMAN WEYLER: Moving on to Tab 9, Renewable Energy Fund, Item 24-351. Is there any discussion? Senator Rosenwald.

SEN. ROSENWALD: I do have a couple of questions. Hi, Josh.

JOSHUA ELLIOTT, Director, Division of Policy and Programs, Department of Energy: Almost good afternoon, Senator.

SEN. D'ALLESANDRO: Always good day, Josh.

MR. ELLIOTT: It's good to see you, Senator.

SEN. D'ALLESANDRO: Thank you.

SEN. ROSENWALD: You know how I love to talk about energy.

MR. ELLIOTT: I do, I do.

SEN. ROSENWALD: So two questions if I could, Mr. Chairman. Um -- when -- my understanding is that this item grew out of House Bill 1465 -- um -- which allowed the fund to be used for the Office of Wind Industry Development and Energy Innovation. At the time the Department testified that they would not need any more funds. So I guess my first question is you told us in the spring you could do it within the existing budget. Why can't you? And then I have another question.

MR. ELLIOTT: Sure, happy to answer that question. First, for the record, Josh Elliott, Director of the Division of Policy and Programs with the Department of Energy.

Um -- as this bill has went, made its way through the process, the original contemplation was to fund a position that would encompass all of these duties -- um -- through Federal funds. We have a program called the State Energy Program that -- um -- essentially is a federal grant in order to -- most states use it to provide staff their energy offices.

Um -- the approval, the original effective date had been pushed out, I believe, for two years originally and then this idea sort of came through through the Legislature of, okay, what if we move these duties within this existing office and change it from the Office of Offshore Wind and Industry to the Office of -- originally was the Office of Energy Innovation, period, and included all these duties but retained the original duties.

Based on RSA -- I'm looking here -- RSA 362-F:10, Roman I, allows the agency -- I'm sorry, by moving it within that office allowed it to be then funded out of the Renewable Energy Fund. One of the uses of the Renewable Energy Fund, there's a whole series, we went through this in the Dedicated Funds Committee meeting earlier this month, includes this office. Um -- with the move of these duties into the -- into that office -- um -- the Renewable Energy Fund then became an option to fund this position, rather than using -- repurposing Federal funds that would have -- excuse me -- repurposing Federal funds and then

going through the State Budget process in order to create that position and go through that whole process. It would come before House and Senate Finance Committees.

So given that the Legislature moved this into the Renewable Energy Fund, this option through the statute to come before this Committee to create and fund that position was given instead.

CHAIRMAN WEYLER: Follow-up.

SEN. ROSENWALD: I guess I have two more questions.

CHAIRMAN WEYLER: All right.

SEN. ROSENWALD: So the second one is so RSA 362-F:4 defines what renewable energy is. And nuclear energy, whether it's good, bad, or indifferent, is not included in the definition of renewable energy. So how does the Department justify funding a Nuclear Project Analyst out of the Renewable Energy Fund?

MR. ELLIOTT: Thank you for the question. Um -- so this Office of Energy Innovation or Offshore Wind and Industry and Energy Innovation is sort of a more of an all-encompassing sort of office. It's going to be looking at a number of other things, including battery storage, things like that. There are green hydrogen. All those sort of innovative things. I'm not going to touch the land mine as to whether or not nuclear is renewable. Depending on who you talk to, there's very strong opinions about that. So -- um -- and probably of no consequence to this Committee.

So that being said -- um -- the statute itself allows the funding of this entire office and puts those duties of those -- of these specific duties regarding nuclear into that office. That office itself is funded out of the Renewable Energy Fund. So that is -- that is the connection.

SEN. ROSENWALD: Thank you. Well -- um -- maybe some people think it's renewable, but New Hampshire statutes say it isn't.

So maybe we need to rethink our statutes if you want nuclear energy to be classified as renewable.

But my last question is what -- um -- what kind of budget for this office is the Department going to come in with for next budget?

MR. ELLIOTT: That is a good -- that is a good question. I don't have the answer off the top of my head. I can get you the answer for that.

SEN. ROSENWALD: Thank you.

MR. ELLIOTT: Just to give you a sense it is an office, if this item is approved, it would be an office of two.

SEN. ROSENWALD: It would be what?

MR. ELLIOTT: An office of two.

SEN. ROSENWALD: Thank you. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Further discussion on the item? Senator Birdsell moves to adopt. Senator Pearl seconds.

SEN. ROSENWALD: Could we have a roll call?

CHAIRMAN WEYLER: Would you like a roll call --

SEN. ROSENWALD: Yes. Thank you.

CHAIRMAN WEYLER: -- on Item 351. All right. Clerk will call the roll on the adoption of Item 24-351.

REP. ERF: See if I get it straight this time. Representative Edwards.

REP. EDWARDS: Yes.

REP. ERF: Clerk votes yes. Representative Leishman.

REP. LEISHMAN: No.

REP. ERF: Representative Wallner.

REP. WALLNER: No.

REP. ERF: Senator Gray.

SEN. GRAY: Yes.

REP. ERF: Senator Pearl.

SEN. PEARL: Yes.

REP. ERF: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. ERF: Senator Rosenwald.

SEN. ROSENWALD: No.

REP. ERF: Senator D'Allesandro.

SEN. D'ALLESANDRO: No.

REP. ERF: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. ERF: The vote is 1, 2, 3, 4, 5, 6 to 4. Motion passes.

CHAIRMAN WEYLER: Item is adopted.

*** {MOTION ADOPTED}

(10) Miscellaneous:

CHAIRMAN WEYLER: We have two late items.

MR. KANE: Excuse me, Mr. Chair. Under Tab 10 you have two items that require approval. 344 is the release of the Treasury's audits, and 369 being a request by our office to fill funds -- fill position.

CHAIRMAN WEYLER: Thank you. All right. We'll move to Item 24-344.

** SEN. GRAY: Move the item.

SEN. BIRDSELL: Second.

CHAIRMAN WEYLER: Senator Gray moves to adopt, and Senator Birdsell seconds. Is there any further discussion? Seeing none. All in favor say aye? Opposed no? The item is adopted.

*** {MOTION ADOPTED}

REP. ERF: You voted no or you're just saying no?

CHAIRMAN WEYLER: I'm not voting. Just saying if anybody --

** SEN. GRAY: Move Item 369.

SEN. BIRDSELL: Second.

CHAIRMAN WEYLER: 24-369 is moved and seconded. Is there any further discussion? Seeing none. All in favor say aye? Opposed no? Those items are adopted.

*** {MOTION ADOPTED}

CHAIRMAN WEYLER: Anything else before we go to late items?

MR. KANE: No, thank you.

LATE ITEMS:

CHAIRMAN WEYLER: Okay. The first late item from Information Technology. We see Commissioner Goulet is here. 24-373.

REP. LEISHMAN: {Inaudible}.

CHAIRMAN WEYLER: Okay. A motion by Representative Leishman to accept the item and second by Senator D'Allesandro. Is there any further discussion? Seeing none. All in favor say aye? Opposed no? That item is adopted.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Next late item is 23-374.

****** SEN. BIRDSELL: Move the item.

CHAIRMAN WEYLER: Senator Birdsell moves to adopt item 24-374. Senator Birdsell seconds it.

SEN. GRAY: Rosenwald.

CHAIRMAN WEYLER: Senator Rosenwald. Can't do the same thing at once.

SEN. BIRDSELL: You can try.

CHAIRMAN WEYLER: Any further discussion on 374? Seeing none. All in favor say aye? Opposed no? That item is adopted.

***** {MOTION ADOPTED}**

(11) Informational Materials:

CHAIRMAN WEYLER: Next on the item I believe we have the report, the analyses, Internal Control Review; is that correct?

REP. EDWARDS: Are you going to talk about --

MR. KANE: This informational items I believe Representative Edwards --

CHAIRMAN WEYLER: Any information items anybody has a question on? Senator -- Representative Edwards.

REP. EDWARDS: Yes, sir. I wanted to mention the Operating Statistics Dashboard that is Item 345. The Governor when he was here earlier, and then I think the Commissioner, both emphasized in their discussions today the importance of Mission Zero. And I -- I don't know who has the authority to modify the Dashboard report, but I think it would be a good idea if the Department has the authority to do it on their own is to create a little visual information so that the Legislature and other stakeholders were able to easily see our history and progress on complying with our Mission Zero objectives.

So -- so that's my request of the Department, I think, if they have the authority to add that to the Dashboard that they do that.

MR. WHITE: Nathan White, Chief Financial Officer. Thank you, Representative Edwards. The -- the Dashboard is elective. It is done at the will and discretion of the Commissioner. It's always been used as an informational item for the Committee just to provide updates. So there's no statutory or Administrative Rule restrictions around what goes in or what goes out. I can take that back. I can talk to the Commissioner about it.

If -- if we do move towards doing that, there will be probably a multi-month delay because November's Fiscal items are basically due in a couple of days, just due to the long process there. But I will take that back and we'll have discussions to figure out how to best represent that information. So appreciate it.

REP. EDWARDS: All right. Thanks for considering and educating me about who has the authority to modify that report. I didn't -- I didn't know that. So -- so I -- I do think it's such an important topic to the State and to the DOJ even that we

communicate how we're doing on this really important process. Thank you.

CHAIRMAN WEYLER: Anything further from the Committee Members before we move on to the analysis on the Judicial Council? Seeing none.

REP. EDWARDS: You done the audit yet?

CHAIRMAN WEYLER: Yes. No, we are ready to do the judicial control -- Judicial Council.

AUDITS:

SEN. GRAY: If you ask the Chair he may let you sit in the other seats --

CHAIRMAN WEYLER: Yeah.

SEN. GRAY: -- so you have mics.

CHAIRMAN WEYLER: You can sit by a mic, Nina, if you want a --

NINA GARDNER, Chair, Judicial Council: I don't need a mic. {Inaudible}.

CHRISTINE YOUNG, Director, Audit Division, Office of Legislature Budget Assistant: Good afternoon. Good afternoon, Mr. Chairman, and Members of the Committee. For the record, I'm Christine Young, Director of Audits for the LBA.

Uh -- we're here this afternoon to present our assessment of the internal controls in place over the Judicial Council's revenues and expenditures. Jim LaRiviere, Senior Auditor with our office -- Senior Audit Manager with our office, was the in-charge on the audit. He will present the report. And also joining us from the Judicial Council is Executive Director Jay Buckey, and Nina Gardner, the Chair of the Judicial Council. And they'll be available for questions.

CHAIRMAN WEYLER: Thank you.

MS. YOUNG: So, with that, I'll turn it over to Jim for the presentation of the report.

JIM LARIVIERE, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant: Good afternoon, Chairman Weyler and Members of the Committee. Again, for the record, my name is Jim LaRiviere. I will be presenting the report on the results of our assessment of the Internal Controls in place over the receipt, deposit, recording, and reporting of revenues, and the authorization, payment, recording, and reporting of expenditures of the Judicial Council during the nine months ended March 31st, 2024.

If you turn to the Table of Contents, you will see the report contains 14 Observations. In looking at the recommendation summary beginning on Page 2, you can see the Judicial Council concurred with all Observations.

Observations No. 1 and No. 7 identify that legislative action may be required.

On Page 8 in the Table, the Judicial -- the Judicial Council reported \$185,000 of revenues and \$40 million of expenditures during the nine months ended March 31st, 2024. The majority of those expenditures are for contract payments to attorneys and legal service providers who provided indigent defense for criminal cases. In -- in the interest of time, I'll get into the findings and recommendations.

Observation No. 1 beginning on Page 11, we recommend the Judicial Council ensure indigent defendants are provided with timely assistance of counsel, that they review the structure and authority for setting fees for the indigent defendant counsel and related services, develop policies and procedures for the periodic formal evaluation of counsel fees, and ensure that fees and the delivery of its indigent defense delivery system are in compliance with laws and rules.

Observation No. 2, beginning on Page 16, we recommend the Council in consultation with the Department of Information Technology replace its case management and billing system with a new system that is secure and meets its operational needs. The Judicial Council should also seek the cooperation of the Judicial Branch for the electronic exchange of data. The Judicial Council provides funding for the public defender, court-appointed special advocates, and legal assistants.

In Observation No. 3, beginning on Page 17, we recommend the Council improve its oversight and contract monitoring activities to help ensure that those funded entities operate in compliance with administrative, Fiscal, and other program requirements and objectives.

Observation No. 4 on Page 20 recommends the Council strengthen its core financial accounting resources by establishing a financial manager position to oversee its daily financial operations.

Observation No. 5 on Page 21 identifies the Judicial Council's needs to strengthen controls in replacing its case management and billing system with a new system that could help prevent duplicate payments from being made.

Observations No. 6 and No. 7 deal with conflicts of interest. Observation No. 6 on Page 22 recommends the Judicial Council establish a policy to address how to handle conflicts of interest and related party transactions. The policies and procedures should require the Council members to properly report actual or perceived conflicts of interest to maintain the public's trust and confidence.

Observation No. 7 recommends the Judicial Council ensure its members file statements of financial interest in accordance with RSA 15-A, and that the Legislature consider amending the law to require all members of the Council file a statement of financial interest.

Observation No. 8, beginning on Page 25, identifies the need for Council members to fulfill their statutory obligation. If members are unable to fulfill their duties on the Council, a replacement should be sought through the statutory process.

Observation No. 9, beginning on Page 26, recommends the Judicial Council establish a system of standard operating policies and procedures to increase the effectiveness and efficiencies in the Council's role with regard to the administration of justice.

Observation No. 10 on Page 27 recommends the Judicial Council establish and document a formal risk assessment process and regularly review its financial and operational activities for indicators of risk exposure and monitor controls to address those risks.

Observation No. 11 on Page 28 recommends the Judicial Council work with the Department of Information Technology to ensure acceptance of its 2026-2027 Information Technology Plan and implement procedures to comply with the law.

Observation No. 12, beginning on Page 29, recommends the Judicial Council prepare, implement, and maintain plans that are fundamental to an effective system of internal controls, including formal strategic, continuity of operations, and disaster recovery plans.

Observation No. 13, beginning on Page 30, notes the Council does not have policies and procedures for instances when contracted attorneys providing services to indigent defendants terminate a case prior to final disposition, including not having policies and procedures for subsequently collecting outstanding debts from these contracted attorneys.

Our last Observation, Observation No. 14 on Page 32, recommends the Judicial Council adhere to its statutory requirement of submitting a biennial report to the Governor and Council.

The Appendix, beginning on Page 33, reports on the current status of prior audit findings contained in the Judicial Council's Financial Audit report for the nine months ended March 31st, 2014. The status key at the bottom of Page 34 shows the Judicial Council fully resolved three Observations, had one Observation that was in the process of remediation, and three Observations that were unresolved.

This concludes my presentation. I'd like to thank Nina Gardner, Chair of the Judicial Council, Jay Buckey, Executive Director, and the staff of the Judicial Council for their cooperation and assistance throughout the audit.

We're happy to answer any questions from the Committee now or we could turn it over to the Judicial Council for any comments that they may have. Thank you.

CHAIRMAN WEYLER: Questions from Committee? Senator Gray.

SEN. GRAY: Certainly I'm interested in knowing -- um -- about 2014-1, 2014-2, those items, and I guess it's 2014-4. And also in the recommendations where it says the judicial action or I should say legislative action, who is going to be responsible for contacting somebody because the filing period in the House is almost over, but --

CHAIRMAN WEYLER: No, we have one in November.

SEN. GRAY: They'll be one in November?

CHAIRMAN WEYLER: I will be submitting legislation. Anybody on the Committee wishes to co-sponsor, I will put you down as a co-sponsor.

SEN. GRAY: And the status of the ones that weren't resolved from 2014.

CHAIRMAN WEYLER: Yes.

MS. GARDNER: (Inaudible).

CHAIRMAN WEYLER: Mr. Buckey.

JAY BUCKEY, Executive Director, Judicial Council: Certainly. Addressing 2014, number one, we are one of the agencies that has been referenced earlier today that is scrambling to encumber Federal funds. We secured funding for a database replacement. We have -- we are working with a vendor currently, and we are hoping to have those funds encumbered by the end of the year. We're currently in the process of simply going back and forth with the vendor to finalize contract terms. So I'm certainly optimistic that we will reach the deadline at the end of this year to encumber those funds and to reach that milestone.

I agree with the audit finding that the database certainly needs to be replaced. I think that replacing the database will yield a lot of benefits, not just for the Judicial Council, quite frankly, but for the Judicial Branch as well. I think it's going to be a real cost savings for both agencies.

SEN. GRAY: And two?

MR. BUCKEY: Yes. Um -- again, we concur with this recommendation. Currently, to meet this recommendation, what I have set up with NHPD is to regularize -- regularize the meetings with them, to go over their -- to go over steps they have taken to comply with audits they have had done, and just to simply set up a regular time and to document that to make sure that it's getting done not simply on an ad hoc basis, but that's formalized, regularized, and that something that we can come back and show progress on at our next audit check in.

SEN. GRAY: And item number three, at least you've done partial on that. But item four, again, is -- there's no dots filled in on that one.

MR. BUCKEY: Correct. Audit four, no steps have been taken on that yet. Quite frankly, at least in my view, and I'm happy to take feedback, I view the other items, that those are sort

of -- those are my priorities currently to get those done as soon as possible because NHPD is our largest contractor. The database is very time sensitive. So currently my focus is on those two. And then I certainly concur with that recommendation that that risk assessment needs to be completed as well.

SEN. GRAY: And you expect to have those -- all of those items completed by -- I mean, it's ten years now, right?

MR. BUCKEY: Correct. Ten years since the last audit. Um -- I -- I can only say I -- I only took over at this agency in November of last year. So I can't speak to what happened before then. But I think I outlined in my responses the times that I thought that these various milestones could be reached, and we are certainly going to work aggressively towards meeting all the recommendations in the audit.

And I should also take this opportunity to thank the staff of the LBA, Mr. LaRiviere, and the time they spent at our office working with us, and they've been responsive when I've had questions about how to meet some of their recommendations. They have been helpful and forthcoming on making those suggestions and helping us move forward with meeting those recommendations.

CHAIRMAN WEYLER: And the Fiscal Committee will expect progress reports as you complete these items.

MR. BUCKEY: Certainly.

SEN. GRAY: Well, certainly that's one of the things that I've discussed with LBA in the past on these things is that I don't see a lot of oversight on audit findings and how, you know, in my prior life, I would expect that every audit item would have a plan of action, milestone, and reporting out on delinquencies and all of that other stuff. We don't have that here in the state. I understand that. Okay. But there ought to be some kind of review at some point that says, you know, I had this audit. I've still got these items, and nothing has happened or something has happened since. So just a comment on my end. Thank you.

CHAIRMAN WEYLER: Representative Erf for a motion.

REP. ERF: Oh, we don't need to. It was pre-released.

CHAIRMAN WEYLER: Oh, it's already been made. Okay.

REP. ERF: The date of next meeting.

CHAIRMAN WEYLER: Mr. Buckey, leave me some contact information so when I work on the legislation I can be in touch.

MR. BUCKEY: Certainly.

SEN. GRAY: I believe that the next meeting has really already been scheduled.

CHAIRMAN WEYLER: It has. November 15th. Any further items to come before us? Mr. Kane?

REP. ERF: Ask Mr. Kane a question? Mr. Kane, are there any audits expected the next month that we should pre-release?

MR. KANE: There may be one, but your motion at the last meeting would take care of November as well. Yes.

REP. ERF: Thank you.

CHAIRMAN WEYLER: We already made a motion on the CAFR?

MR. KANE: No. If there's an extension or release request that would come at the November meeting. So you should see that on the 15th.

CHAIRMAN WEYLER: Very good. Anything else to come before the Committee? We are adjourned.

(Meeting adjourned.)

C E R T I F I C A T E

I, Cecelia A. Trask, a Licensed Court Reporter, do hereby certify that the foregoing transcript is a correct transcription from the YouTube video/audio recording of the proceeding in the above-entitled matter to the best of my professional skill and ability.

Cecelia A. Trask, RPR, RMR, CRR
New Hampshire Licensed Court Reporter - #00047