

JOINT LEGISLATIVE FISCAL COMMITTEE

Legislative Office Building, Rooms 210-211

Concord, NH

Friday, January 19, 2024

MEMBERS PRESENT:

Representative Ken Weyler, Chair

Representative Keith Erf

Representative Jesse Edwards

Representative Mary Jane Wallner

Representative Peter Leishman

Rep. David Huot (Alt.)

Rep. Gerald Griffin (Alt.)

Senator James Gray

Senator Jeb Bradley

Senator Regina Birdsell

Senator Lou D'Allesandro

Senator Cindy Rosenwald

(1) Acceptance of Minutes of the December 15, 2023 meeting

KENNETH WEYLER, State Representative, Rockingham County, District #14: I will call the Joint Fiscal Committee meeting to order on February -- January 19th, and the first order of item is acceptance of the minutes of December 15th.

****** JAMES GRAY, State Senator, Senate District #06: So move.

LOU D'ALLESANDRO, State Senator, District #20: Second.

CHAIRMAN WEYLER: Senator Gray moves acceptance, seconded by Senator D'Allesandro. Any additions or corrections? Hearing none, are you all ready for the question? All in favor say aye? Opposed no? The minutes are adopted.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Moving on to --

CINDY ROSENWALD, State Senator, Senate District #13:
Chairman, could I abstain please because I --

CHAIRMAN WEYLER: Representative -- Senator --

SEN. ROSENWALD: I was not here so I'd like to abstain.

CHAIRMAN WEYLER: Can't hear me.

SEN. ROSENWALD: Yes. I was not -- not at the meeting so
I'd like to abstain.

CHAIRMAN WEYLER: Oh, oh, all right. You're abstaining.

SEN. ROSENWALD: Thank you.

REGINA BIRDSELL, State Senator, Senate District #19: Mr.
Chair.

CHAIRMAN WEYLER: You'll be abstained.

SEN. BIRDSELL: Mr. Chair, same.

CHAIRMAN WEYLER: And Senator Birdsell as well.

JESS EDWARDS, State Representative, Rockingham County,
District #31: I'm slow, I'm slow.

CHAIRMAN WEYLER: And -- okay. Representative Edwards
abstains. Okay. We have a Consent Calendar that goes from Tabs 3
through 9.

(2) Old Business:

MICHAEL KANE, Legislative Budget Assistant, Office of
Legislative Budget Assistant: Excuse me, Mr. Chair. Just Tab 2
is a tabled item if anyone wants to remove that.

CHAIRMAN WEYLER: Oh, table two --

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MR. KANE: Tab 2.

CHAIRMAN WEYLER: Tab 2 is a tabled item. Any requests on that?

** SEN. BIRDSELL: I'll request to take it off the table.

CHAIRMAN WEYLER: All right. Senator Birdsell remove -- wishes to remove it from the table. Is there a second?

SEN. GRAY: Second.

CHAIRMAN WEYLER: All in favor of removing it from the table say aye? Opposed no? It's removed from the table.

*** **{MOTION ADOPTED}**

CHAIRMAN WEYLER: And item FIS 23-344 is before us, Business and Economic Affairs. Do we have someone from the Agency? Director Cogswell.

TAYLOR CASWELL, Commissioner, Department of Business and Economic Affairs: Good morning.

CHAIRMAN WEYLER: Good morning.

ATTORNEY CAMPBELL: Commissioner Taylor Caswell, BEA.

CHASE HAGAMAN, Director, Division of Economic Development, Department of Business and Economic Affairs: Chase Hagaman, Director of Economic Development, BEA.

CHAIRMAN WEYLER: Question. Representative Birdsell. Senator Birdsell.

SEN. BIRDSELL: Mr. Chair, I don't have a question, but I do want to make a comment. I spoke with -- it was -- I think it was tabled because of my -- basically my request, based on the fact that we had a trade -- a New Hampshire trade mission to Poland

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this fall, which I was grateful to attend. Um -- trying to get - and I understand that some of that is on me - but, you know, trying to get a stipend back after spending \$6,000 of my own money and legislators only make \$100 a year.

Um -- the -- um -- we discussed it on the phone yesterday and I do -- I think we're going to work on trying to get maybe a line item in the budget next time in the future for -- in case any of these trade missions come up that the legislators or elected officials. I know if the Governor goes, he's got his own budget but we don't. So if there's another chance that there's a trade mission, I think there's a line item that any elected official can use. At least just to pay for their -- their trav -- their airfare and their hotel.

CHAIRMAN WEYLER: So you haven't been reimbursed?

SEN. BIRDSELL: No. So, anyway, we are going to work on something for the future.

CHAIRMAN WEYLER: Did you put in a request through the Senate Budget?

SEN. BIRDSELL: I --

CHAIRMAN WEYLER: There is money in there for travel.

SEN. BIRDSELL: I'm working on it --

CHAIRMAN WEYLER: Okay.

SEN. BIRDSELL: -- Mr. Chair.

CHAIRMAN WEYLER: So thank you. All right. So I have six items that have been removed from --

KEITH ERF, State Representative, Hillsborough County, District #28: Do we have to actually vote on this?

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CHAIRMAN WEYLER: All right.

** SEN. BIRDSELL: I will move the item.

CHAIRMAN WEYLER: Okay.

SEN. GRAY: Second.

CHAIRMAN WEYLER: All right. Motion to accept Item 23- 344. Senator Birdsell, Senator Gray. Further discussions? Representative Leishman.

PETER LEISHMAN, State Representative, Hillsborough County, District #33: Thank you, Mr. Chairman. So there is an \$8600 appropriation or line for travel in this particular item. So none of that could be used to reimburse you, is that what we're told?

SEN. BIRDSELL: Oh, that's a question. My understanding is no. This is federal money. Um -- so the -- the trade mission was New Hampshire based.

REP. LEISHMAN: Thanks.

MR. CASWELL: That's correct.

CHAIRMAN WEYLER: The Director can answer that question.

MR. CASWELL: You're welcome.

CHAIRMAN WEYLER: So, can any of that money be used to reimburse her travel?

MR. CASWELL: No, sir. We -- we've looked at that and it's said -- these are federal dollars. So there -- there are, unfortunately, limitations that are placed on how we use those funds. And they're directed exclusively at small -- small businesses and their -- and their costs, a portion of their costs when they travel abroad. But as the Senator mentioned that

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we -- we did discuss some options that we -- we could potentially look at going forward that I think would maybe remedy that situation.

REP. LEISHMAN: Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Further questions? Seeing none. We have a motion and a second to adopt the item. All in favor say aye? Opposed no? It's adopted.

*** {MOTION ADOPTED}

CONSENT CALENDAR

- (3) RSA 9:16-a, II, Transfers Authorized:
- (4) RSA 9:16-c, I, Transfer of Federal Grant Funds:
- (5) RSA 14:30-a, VI Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 from Any Non-State Source:
- (6) 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 9:16-a, II, Transfers Authorized:
- (7) 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

AMERICAN RESCUE PLAN 2021

CONSENT CALENDAR

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

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**Acceptance and Expenditure of Funds Over \$100,000 from
Any Non-State Source, and RSA 124:15 Positions
Authorized:**

CHAIRMAN WEYLER: All right. To the Consent Calendar. The items that I've had requested to be removed are the following:

Under Tab 5, 24-027. That was from the Senate. And also I have a House Member with a question.

Item 24-032, House Member requested that removal.

Under Tab 6, 24-033. That was a House Member.

And under Tab 7, zero -- 24-025. Is that -- is that six?

REP. ERF: Yeah. No, that's seven. That's seven.

CHAIRMAN WEYLER: No, that was Tab 7. One, two, three.

REP. ERF: Four. That was the fourth one.

CHAIRMAN WEYLER: Okay.

REP. ERF: You have two more under Tab 8.

CHAIRMAN WEYLER: Tab 8, 24-003 and 24-005 under Tab 8. Are there any further items wish to be removed from the Consent Calendar? Senator Gray.

SEN. GRAY: Um -- I think that one of the Senators did ask for something. She's rescinded that?

SEN. ROSENWALD: I did. I'm sorry. I try not to copy everybody, but I told Mr. Kane I didn't want to remove it from Consent anymore.

SEN. GRAY: Thank you.

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SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: I had 24-027; is that correct?

REP. ERF: You're correct.

CHAIRMAN WEYLER: A repetition of the other one?

SEN. ROSENWALD: We got some explanation from the Department. So I no longer want to remove 2006 -- 006.

REP. ERF: What you said was good.

CHAIRMAN WEYLER: Okay. The rest are okay. All right.
So --

SEN. GRAY: To make it easier, the Senator had a question. The question resolved the issue and now she does not want to pull it.

CHAIRMAN WEYLER: Okay. Which item was that?

SEN. GRAY: It was under Tab 5, 24-006.

CHAIRMAN WEYLER: Okay. I don't -- I did -- did not mention that for removal.

SEN. GRAY: Correct.

CHAIRMAN WEYLER: So it is still on the Consent Calendar.

SEN. GRAY: Yeah.

CHAIRMAN WEYLER: All right. How does the Committee wish to proceed?

****** SEN. GRAY: Move the Consent Calendar.

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CHAIRMAN WEYLER: Senator Gray moves acceptance of the Consent Calendar with those aforementioned exceptions. Senator D'Allesandro seconds. Further discussion? Seeing none, are you ready for the question? All in favor say aye? Opposed no?

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: We'll first move -- so the Consent Calendar is accepted with those exceptions mentioned. The first one we will come to will be under Tab 5, 24-027.

SEN. ROSENWALD: I think it's --

CHAIRMAN WEYLER: What's -- what's the Agency?

SEN. ROSENWALD: Yeah {Inaudible}.

CHAIRMAN WEYLER: And that would be the Health and Human Services and there they are. Senator Rosenwald, did you have a question?

SEN. ROSENWALD: I did. Thank you, Mr. Chairman. I actually had a couple of questions. One is for DES who sent some further explanation this morning saying that the -- the money that was appropriated in 2019 for the drinking water and groundwater test, which I think was between one and a half and \$2 million, they were unable to use so they ended that grant. My question is did -- wasn't that non-lapsing? How -- where -- where is -- what is that money doing now?

MR. KANE: Sure, Senator. So that's a question that DES, Sue Carlson, will be able to answer. Has to do with the Fiscal Year 2019 appropriation from the Drinking Water and Groundwater Trust Fund for schools. Was that DOE?

{Inaudible}.

MR. KANE: Sure, yeah.

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SUSAN CARLSON, Chief Operations Officer, Department of Environmental Services: Good morning. For the record, my name is Susan Carlson, Environmental Services. The money that we are giving Health and Human Services is actually coming from a federal grant primarily, and then \$400,000 from the Drinking Water/Groundwater Trust Fund. The money we had given the Department of Education that you were referring to, that grant has been closed and was returned to the Trust and so this is different money.

SEN. ROSENWALD: Could I follow-up?

CHAIRMAN WEYLER: Follow-up.

SEN. ROSENWALD: What was the mechanism for returning the money that we appropriated to the Trust?

MS. CARLSON: The -- when I -- when I say return the money, I mean, the Department of Education, we ended the grant with them. It's not an actual cash transfer. We ended that grant with them, because of -- they were not spending the money. And we pivoted for the lead in schools and daycares because of changes in law to work with Department of Environmental -- excuse me -- of Health and Human Services to deal with lead in child care centers. And DES itself is handling grants directly to the schools for lead remediation.

SEN. ROSENWALD: Could I follow-up? Thank you. Could you provide us with the statutory language that allowed you to do that? And my second question is for HHS. And that is how many child care facilities are going to receive these grants to have their water -- drinking water sources upgraded to be lead free?

IAIN WATT, Interim Director, Division of Public Health, Department of Health and Human Services: Sure. Good morning, Committee. My name is Iain Watt. I'm the Interim Director for the Division of Public Health Services.

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So there are 717 licensed child cares in the State of New Hampshire. We anticipate up to 20% may need some kind of lead remediation activities, and those would largely be fixture -- we -- we anticipate most of them would be fixture replacements. We're hoping there aren't as many kind of broad scale water system impacts. Obviously, those are more costly and would impact the funds available. But everyone would be eligible for these funds, and we anticipate it may be between 100 and 150 facilities that may need them.

****** SEN. ROSENWALD: I'll move the item.

CHAIRMAN WEYLER: Senator Rosenwald moves the item. Senator Birdsell seconds it. I recognize Representative Edwards, did you have a question on this item?

REP. EDWARDS: Uh -- no, sir.

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

******* {MOTION ADOPTED}

CHAIRMAN WEYLER: We're moving on to Item 24-032. This one I had -- Representative Erf had a question on this item.

MS. CARLSON: Good morning. Again, Susan Carlson, Environmental Services.

REP. ERF: Hi. Thank you for taking my question. So I asked about what communities would be served and the answer came back, well, you can't really tell me until you get the money and go through the process. So I would ask if once you've gone through that whole process, you get to the point of the communities being served, could you provide back to Fiscal on that information?

MS. CARLSON: Certainly.

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REP. ERF: That be great. Thank you. And should I just continue or I'll stop.

CHAIRMAN WEYLER: No, no, go ahead.

REP. ERF: The other one's the same thing, but we should probably vote first.

CHAIRMAN WEYLER: Okay. That's what all you needed?

REP. ERF: That's all I needed.

CHAIRMAN WEYLER: Any further questions from Committee? I'll entertain a motion.

****** JEB BRADLEY, State Senator, Senate District #03: So move.

CHAIRMAN WEYLER: Senator Bradley moved the item. Senator Gray seconds FIS 24-032. Are you ready for the question? All in favor say aye? Opposed no? The item is adopted.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Moving on to Tab 6, 24-033, Department of Environmental Services again. Again, Representative Erf has a question.

REP. ERF: Same question. Same request if you would. Thank you.

CHAIRMAN WEYLER: We'd like to get the data. Okay.

****** REP. ERF: Move the item.

CHAIRMAN WEYLER: Motion by Representative Erf to adopt the item, second by Senator D'Allesandro. Are there any further questions on 24-033? Seeing none, you ready for the question? All in favor say aye? Opposed no? The item is adopted.

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*** {MOTION ADOPTED}

CHAIRMAN WEYLER: Okay. The next item is 24-025 on Tab 7, Department of Health and Human Services. Representative Erf and Representative Leishman have questions on this item.

REP. ERF: You want to introduce yourselves first or should I start first?

MR. WATT: Good morning. I'm Iain Watt. I'm the Interim Director for Public Health Services.

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

REP. ERF: Thank you for taking my questions or question. So I -- I posed this. I didn't get an answer; but similar to the last folks that were up, if you could provide details of the contracts for program services when you have -- when it's appropriate basically. The \$200,000 of who those contractors are.

MR. WATT: You want specifically who the contractors are?

REP. ERF: Yeah.

MR. WATT: Yeah, we can -- I don't have that information in front of me. Happy to provide follow-up.

REP. ERF: Fine. Thank you.

CHAIRMAN WEYLER: Representative Leishman, do you have a question on this item?

REP. LEISHMAN: Uh -- yes, Mr. Chairman. Thanks. I was just curious. I think it's on Page 5. I know these are all Federal

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funds, but it talks about fund components, like under the notice of awards, AMD2 and NWSS2, what those are. And --

MR. WATT: Sure. AMD is Advanced Molecular Diagnostics. It's specifically related to genetic sequencing which we use for disease identification in the event of a foodborne outbreak or, you know, various strains of infectious diseases. It allows the Public Health Laboratories within the Division of Public Health Services to do genetic sequencing and work with partners to identify specific strains of disease that may be spreading in New Hampshire. And then the Data Modernization is specifically tied to Electronic Case Reporting. So reportable diseases in the state that need to be reported. We're working with vendors on their Electronic Case Reporting as well as Lab Case Reporting.

REP. LEISHMAN: And NWSS2.

MR. WATT: NWSS2. I will have to follow-up with you. I do not have that acronym in front of me right now.

REP. LEISHMAN: Sharp, too. I've just never seen those before and I just --

MR. WATT: We have -- we have our Associate Commissioner here to -- to save me.

PATRICIA TILLEY, Associate Commissioner, Department of Health and Human Services: Good morning. Patricia Tilley, Associate Commissioner. NWS is our National Wastewater Monitoring.

REP. LEISHMAN: Oh, okay. Thanks. Thank you, Mr. Chairman.

MR. WATT: Thank you.

CHAIRMAN WEYLER: Any further questions from the Committee? I'll entertain a motion. Senator D'Allesandro moves the item, seconded by Representative Leishman for Item 24-025. Further

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questions? Seeing none, you ready for the question? All in favor say aye? Opposed no? 24-025 is adopted.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Moving on to 24-027. We already did that. All right. So now we're 24 -- on Tab 8, 24-003, Department of Business and Economic Affairs.

MR. CASWELL: Good morning again. Taylor Caswell, Commissioner.

CHAIRMAN WEYLER: And I had down Representative Leishman had a question on this.

REP. LEISHMAN: Thank you, Mr. Chairman. So I see that you have a remaining budget of about \$7.9 million and this particular item expires, if you will, or ends in November of next year. Are you going to be able to spend all that money? Because you haven't made many requests on it so far.

MR. CASWELL: Yes, sir. Absolutely. The issue has been the design of the programs that we're going to be bringing forward. We have to have those approved by the Economic Development Administration. So that's a back and forth. So as we get those approvals, we bring them here. But we have programs that are going to be showing up over the next couple of months that will get us on track to have those funds spent well in advance of November of 2025.

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

CHAIRMAN WEYLER: Further questions?

****** REP. LEISHMAN: I move the item.

CHAIRMAN WEYLER: Representative Leishman moves 24-003, seconded by Senator Gray. Any further questions? Seeing none,

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are you ready for the question? All in favor say aye? Opposed no? 24-003 is adopted.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: We're moving on to 24-005, Department of Health and Human Services. And I have down that Representative Edwards has a question.

REP. EDWARDS: Thank you, Mr. Chair. Um -- it's good to be back. It's been seven months. So I hope I remember how to do this. But I -- I specifically would like to get an idea of the \$39 million that's in 24-005. Under Class 101, it -- it describes that the funds will be used for Medicaid Care Management Capitation Payments, Fee-for-Service, Provider Payments, DCYF, Behavioral Services for clients enrolled in New Hampshire's Medicaid Program.

So -- um -- keeping in mind that -- I'm not asking for a full education on this. I just would like to understand better, it may be a layman's language, what this money is -- is going to be spent on. Is this money going to be spent because we've had increased volumes? Is it going to be added to -- to reimbursement rates? Is it something that we actually have already owed and this is going to give us an opportunity to pay it? Just where -- where does this money go?

MR. WHITE: Sure. Um -- Nathan White, Chief Financial Officer, Health and Human Services.

So I'm just going to back up a little bit to put some of this into context. So this item is similar to an item that was approved by this Committee last February. What we are approving here, this is -- this is MET -- this is additional MET revenue.

When the Department budgeted last year in the summer of 2020, that was obviously a challenging time for many. And when we budgeted our revenue within our Medicaid Program account, and so this is the 7948, this is the Medicaid Care Management

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Account. This is the account from which we -- and -- and class line in this specific case from which we pay -- um -- our per member per month rates. We pay our fee-for-service rates.

So to directly answer your question, Representative Edwards, this would be -- these funds would be supporting the existing Medicaid Program, and the existing payments that -- that we have. The reason why you're seeing \$39 million here -- this was \$11 million in the prior year -- is because when we made our DSH Payments, and that's part of the larger Disproportionate Share Hospital Program in the prior year, we earned an additional 5% Federal funds that we norm -- in a normal world we would not have otherwise. So we were able to earn additional federal revenue.

Additionally, going back to the summer of 2020 when we originally prepared the State Fiscal Year 23 budget, we budgeted conservatively because the MET -- the MET revenues, it's a 5.4% tax on net patient service revenue, we assumed at that point in time that hospitals' net patient service revenue was probably going to be lower. That -- we -- we had a slightly different experience, obviously, than what we anticipated in that year. But in, for example, in 2021, the MET revenue came in at 248 million and by State Fiscal Year 2023 MET revenue was at 301 million. So -- so statewide we saw a large increase in that.

And so today we're asking you to allow us to accept these funds into the standard Medicaid Budget. And this budget is carried forward from year to year. It doesn't lapse at the end of the biennium. And this would allow us to make provider payments. And if there are changes, you know, unpredicted changes, in enrollment numbers or utilization, these funds would -- would be used to pay for that. But they would not, to answer your question directly, they would not be used to pay for rate increases. That was a separate tranche of funds that this Committee already discussed back in October.

REP. EDWARDS: Follow-up.

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CHAIRMAN WEYLER: Follow-up question.

REP. EDWARDS: Thank you, Mr. White, for being gentle with me on that. So what -- what I'd still like to come back to is a commitment that was made when we were all negotiating in good faith with each other on -- on -- um -- monies to be allocated to the Medicaid reimbursement rate increases. And -- and I think in an act of nobility the hospital system stepped forward and said that they would defer their share of a Medicaid reimbursement rate so we could distribute it further across the community to help others.

And I'm just curious if it happens that this MET money is going to be an unanticipated benefit to the hospital system that would rightly deserve it, but I'm just curious where -- where we are in terms of keeping track of our commitments and promises. Does that make sense? Is this -- is this MET money going to the hospitals?

MR. WHITE: No. So the -- the DSH Payment program that's articulated within the 2018 Settlement Agreement and RSA, those payments are based on the methodology specified therein. This -- these funds would not be used to increase those payments. These funds would be used to pay for and support the Medicaid Program.

REP. EDWARDS: All right. Thank you. With -- I'm satisfied. I think Senator Rosenwald may have a question.

CHAIRMAN WEYLER: Senator Rosenwald for a question.

SEN. ROSENWALD: Thank you. Following up on Representative Edwards, though, don't the hospitals account for the majority of Medicaid claims or a huge chunk of it? So won't some of those increased provider payments accrue to the hospitals?

MR. WHITE: The --

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SEN. ROSENWALD: Even though we didn't give them a rate increase.

MR. WHITE: The -- the -- the payments are based on utilization. So it would be based on where the need is. Like there -- this is essentially going into our larger Medicaid Program account, 7948. It's one of the largest accounting units in the state, and it's used to support that program. So I -- I don't see any direct relationship or incentive or causality associated with this accept and expend and any outcomes associated with what -- what you were indicating, Senator Rosenwald.

CHAIRMAN WEYLER: Further question.

SEN. ROSENWALD: Thank you. So the fact that we have this pretty significant excess MET revenue, has -- has the Department tried to figure out to what extent it's caused by increased utilization and to what extent it's caused by increased prices?

MR. WHITE: I would have to check with the Medicaid team to know if they've conducted that kind of level of analysis. At this point though I'm not aware of one.

SEN. ROSENWALD: But Henry Lipman just stood up.

HENRY LIPMAN, Director, Division of Medicaid Services, Office of Medicaid and Business Policy, Department of Health and Human Services: Trying to help.

CHAIRMAN WEYLER: Good observation.

MR. LIPMAN: Good morning. For the record, Henry Lipman, State's Medicaid Director.

So the MET tax money that funds the DSH that the arrangement that is codified in 2018 House Bill 1817 we fulfilled that completely. Our obligation on that, in terms of this additional MET tax, it was expected to cover things in

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terms of the enrollment, other growth and services; but in terms of your directly on your question, we saw typically the MET revenue's been growing in more typical years between 3 and 7% is what -- what we see net patient service revenue growing in the hospitals that drives the tax collection to go up.

But keep in mind the reason some of this is continually appropriated, just one example is as we look at next year, we have identified at least 66 new gene therapies and drugs that are potentially coming at the Medicaid Program. Some of them, you know, we think in the end will probably about 31 will come in the next year.

When I say these 31, they have a minimum cost of \$200,000. And some like, for example, the -- the one on sickle cell anemia, the prices on those are 2.1 and 3 million. There is a rebate that we get on it. But, you know, in terms of 39 -- 39 million is a big dollar amount, but some of the uncertainties in terms of where spending is going to go as a result of these types of things that's, I think, why the past Legislature has given some deference to this additional money, because we have enrollment variation which has been, you know, it's settling down more to what we expected right now. But all these other things coming at us that -- that's why I think that money is intended to support that and, you know, other utilization changes as -- as Nathan was describing. Hopefully, that helps.

CHAIRMAN WEYLER: Thank you, director. Any further questions from the Committee Members?

** SEN. BRADLEY: Move the item.

CHAIRMAN WEYLER: Senator Bradley moves the item.

SEN. ROSENWALD: Second.

CHAIRMAN WEYLER: Second by Senator Rosenwald. Is there any further discussion? Seeing none, are you ready for the

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question? All in favor say aye? Opposed no? The item is adopted.

*** {MOTION ADOPTED}

REGULAR CALENDAR

(10) RSA 206:33-b Transfers from Fish and Game:

CHAIRMAN WEYLER: Moving on to Tab 10, Regular Calendar. Fish and Game, floating dock. I see the Director is here. Any questions on 24-015 about the floating dock? Representative Leishman moves the item 24-015. Is there a second?

SEN. D'ALLESANDRO: Second.

CHAIRMAN WEYLER: Second by Senator D'Allesandro. Further discussion? Seeing none, all in favor say aye? Opposed no? 24-015 is adopted.

*** {MOTION ADOPTED}

(11) Miscellaneous:

(12) Informational Materials:

CHAIRMAN WEYLER: We had some questions on some of the -- some of the information items. We've all gotten a new handout on the Youth Development Center Claims Administration. Does anybody have any questions on that, the item we've gotten recently, 24-034?

REP. ERF: I've one.

CHAIRMAN WEYLER: All right. Representative Erf has a question. Someone here from -- I see the Attorney General is here. Okay. And two of the other people in that program. Good morning.

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JENNIFER FOLEY, ESQ., General Counsel, Youth Development Center Settlement Fund: Hit the button here. Can you hear me? Does that work?

CHAIRMAN WEYLER: Get a little closer.

ATTORNEY FOLEY: Okay. I'm Jenn Foley. I'm General Counsel for the YDC Settlement Fund. I'm working with Administrator Broderick, and I can hear -- walk through the report, answer questions about the report, whatever you'd like.

REP. ERF: If you want to have a walk through, go first.

CHAIRMAN WEYLER: Who wants to go first?

REP. ERF: I can go first, but it wasn't about a breakdown

CHAIRMAN WEYLER: Okay. Representative Erf.

REP. ERF: I just have a request. If you could provide us at some future point of a breakdown of the claim sizes. You know, are they all coming in at one and a half million or some of them, you know, a lot of between zero and half a million, that kind of thing. Just get an idea of the span of claims that are awarded claims. Not -- not the requests but the -- what you actually finally resolve. Thank you.

ATTORNEY FOLEY: So if I understand, so for settled amount, such as by the Attorney General's Office or through resolution proceeding, whether it's zero to a hundred thousand awarded, hundred to some type of range like that?

REP. ERF: Yeah, that be great.

ATTORNEY FOLEY: Okay. Sure.

REP. ERF: Thank you.

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CHAIRMAN WEYLER: Okay. Further questions on the item from Committee Members? Seeing none. We have a motion?

MR. KANE: You don't need a motion.

SEN. D'ALLESANDRO: You don't need a motion.

CHAIRMAN WEYLER: It's only an information.

MR. KANE: Informational, yep.

CHAIRMAN WEYLER: Thank you. All right. You don't have any more questions?

REP. ERF: No, I'm done.

CHAIRMAN WEYLER: All right. Someone had a question on 24-016, Health and Human Services.

REP. EDWARDS: {Inaudible}.

CHAIRMAN WEYLER: Well, we'll come to that. 24-016 under Tab 12. Representative Edwards is recognized for a question.

REP. EDWARDS: Thank you, Mr. Chair. This is a report that I've seen in various iterations over the last couple years and one of the take-aways of this report tends to be that the Legislature has, once again, fully appropriated all the money that would be necessary to have a zero Waitlist. And it's been a long time since I've had an opportunity to ask the question is though is -- um -- how are we doing on the ground?

I know that we've appropriated all the money. Um -- I'm glad we've done that and we've done that for two or three years now. But the question that I had asked -- um -- periodically was -- uh -- are all of the kids who are eligible for services actually receiving them? We -- we -- we used to have a gap between the kids that we had money for and the kids that had providers, because not everybody had the providers they needed.

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So we were long time ago looking for a metric to give us some idea of how healthy we are at matching providers to kids.

CHRIS SANTANIELLO, Associate Commissioner, Department of Health and Human Services: Thank you for the question -- um -- Representative Edwards. For the record, Chris Santaniello, Associate Commissioner. This report here is geared towards the Child Care Development Fund funding and children needing access to a subsidy. We don't have a -- collect a wait list for children who do not receive these funding who are looking for placement in a child care setting.

REP. EDWARDS: So let me restate that 'cause I think I understand you. But what I think I just heard you say is we don't have any kids that are eligible that don't also have a matching to a provider at this point.

MS. SANTANIELLO: We don't have data -- we don't have any children who are eligible for the Child Care Scholarship funding who are waiting for that funding.

REP. EDWARDS: So that's all good news, right? There's nothing hidden in there I should be picking on? That sounds all good.

MS. SANTANIELLO: I don't think so. I mean, but this is funding and so I think --

REP. EDWARDS: Yeah. Well, and the funds if they don't get used they -- they're non-lapsing, are they not?

MS. SANTANIELLO: The -- the Federal funds carry over year to year.

REP. EDWARDS: Okay. And then I think I had another question. Um -- we changed the eligibility for this program in HB 2, I believe. And we were curious what the status is on the eligibility update.

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MS. SANTANIELLO: So that just went into effect January 1st.

REP. EDWARDS: January 1 it went into effect?

MS. SANTANIELLO: Yes. So I don't really have data on that.

REP. EDWARDS: You just did. That was the answer.

MS. SANTANIELLO: Okay. Thank you.

REP. EDWARDS: Perfect. Yeah. Okay. That's all the questions I have on this.

CHAIRMAN WEYLER: That's all. Okay.

REP. EDWARDS: All right. Do you have one?

CHAIRMAN WEYLER: Anybody else have any questions on this item? Thank you. I think we also have 24-026.

REP. EDWARDS: Yes, sir.

CHAIRMAN WEYLER: We had question from I think Senator Rosenwald. Table 6. I'm not hearing you with your mic off.

SEN. ROSENWALD: I also had questions on the litigation fund, but while the Department is here I had a question about the Dashboard, the Long-Term Care Program. The CFI numbers which were projected to rise and be just under 6,000 have continued to fall and are currently this Fiscal Year and last Fiscal Year below where they were pre-pandemic. And the nursing home bed census is also down versus goal. So my question is where's the bottleneck in the Department and what is the Department doing to get more people provided with the services they're eligible for and are approved for?

MELISSA HARDY, Director for Long-term Support and Services, Division of Developmental Services, Department of Health and

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Human Services: Thank you for the question. I'm Melissa Hardy. I'm the Division Director for Long-Term Supports and Services.

So I think a couple of things -- um -- that we're doing to increase the supports in the community through the CFI Program. One is the legislation in HB 2 for the system of care for healthy aging, looking at eligibility requirements and how we get that streamlined for folks to be eligible for Medicaid and services in the community. So we're actively working on -- on those provisions that were appropriated in HB 2.

The other program we're working on is Money Follows the Person. We are -- um -- submitting our operational protocol to CMS at the end of this month, and we should also see a correlation in community-based services for people accessing services through Money Follows the Person.

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: Thank you.

SEN. ROSENWALD: Is the Department meeting its statutory deadline for the determination?

MS. HARDY: Yes, yes. For Medicaid determinations?

SEN. ROSENWALD: For long-term care --

MS. HARDY: Yes.

SEN. ROSENWALD: -- waiver.

MS. HARDY: Yes.

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: Any further questions on that item?

REP. EDWARDS: Yes, sir.

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CHAIRMAN WEYLER: Representative Edwards.

REP. EDWARDS: Thank you, Mr. Chair.

Um -- there's -- there's some tables here that paint a potentially interesting short story. Tables 1, 2, 3, where it looks like the amount of workload going through Medicaid has been dropping quite a lot. Now, I know some of this is from the Department's efforts to -- um -- modify eligibility; but is there more going on behind these charts that would present a couple of sentences of a short story?

MR. WHITE: Well, on Page 1, Table 1, that's -- that's referring to the total count. On Page 2, if you're looking at Medicaid caseloads, I mean, what you're seeing there is the unwind. Um -- that's the significant drop that -- that we're seeing there. Utilization in TANF -- I mean, that's -- there's been a downward trend there for quite -- quite some time, so I'm not necessarily drawing any other conclusions there. What -- what -- what were you thinking, Representative Edwards?

REP. EDWARDS: Well, I'm just seeing kind of an unexpected, to me, drop in Medicaid utilization. And some of it seems to be associated with the unwind. But I'm just curious if there's something deeper beneath the -- the -- the decline that would indicate a healthier population or a population that's harder for us to access or, you know, I'm -- it just -- it just alerts me that something seems to be odd.

MR. WHITE: No. I -- I mean, the unwind trends that took period -- over a period of nine, ten, twelve months or I guess not quite twelve. But that's been going on for a period of time. That's why we see a slow, gradual decline there. But, basically, what -- what we're seeing like in standard Medicaid is a return to, you know, pre-pandemic levels. So I -- I -- I mean, Henry Lipman's here. He can certainly speak to it more in-depth, but I'm not aware of anything unusual there.

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REP. EDWARDS: Just -- just shake your head if you think that there's something more unusual going on there. Otherwise, I'll leave it. We -- we can talk later. I want to talk to you about Ophthalmology anyways.

All right. And then I would like to jump forward to Table 6. This is the Sununu services. And in the last six months or so -- uh -- we've been hitting an average daily census of 18 pretty commonly, and this makes me nervous because I -- I thought we were going to be able to build the new Sununu Center with 18, realizing that 18 was a maximum number that we needed in a flexible situation. But if -- but, logically, if we're at 18 regularly, then we've given up our flexibility. And -- and we may be in sort of a red situation already. I'm -- I'm curious what -- what do you think? Did -- did I screw up by not telling you build 20 instead of 18?

MORISSA HENN, Deputy Commissioner, Office of the Commissioner, Department of Health and Human Services: Good morning. Morissa Henn, Deputy Commissioner, for the record.

REP. EDWARDS: It's really Mr. Ribsam, by the way.

MS. HENN: Mr. --

REP. EDWARDS: Yeah, we screwed up.

MS. HENN: Oh, oh, you can blame it on our DCYF predecessor. So you are right that the census at SYSC has been high for the past year. Part of that seems to be due to some of the changes in what we're seeing around Juvenile Justice related to gang-related activity. And, also, the number -- the seriousness of crimes is resulting in more youth being committed, meaning they're spending longer sentences versus that short detention period. So there's been a bit of a shift just in the overall landscape of Juvenile Justice, not only in New Hampshire but in other states.

So we're doing a number of things in response to that because it has been made exceedingly clear to us, not just last session but for many sessions, that 18 is the limit for the new YDC build.

So the things that we're doing are, first of all, we're working to actually continue to drive that number down by doing all the preventative upstream work of getting kids and family services that we know make a difference. I won't detail those for you, but you've heard me talk about them before.

The second thing is we're working with the court system to say what should we do in that situation. We are, obviously, a couple years out from the new YDC being, you know, accepting youth; but we need to be prepared. So those are essentially what we're doing.

We're working to lessen the actual demand, and then we're actually working in the event that the demand exceeds supply, working with the court system who are the only ones who can order youth to the YDC in the first place to say what would we do in that situation because the future build is an 18 max without any exception.

CHAIRMAN WEYLER: Further question.

REP. EDWARDS: Follow-up.

CHAIRMAN WEYLER: Follow-up.

REP. EDWARDS: So it seems like the trend in the growth is in the detained youth column, and that committed youth column has been pretty stable for quite some time. And so is it the court system that may be able to work with you the most to influence the detained youth or is that all prescribed by law?

MS. HENN: Um -- so, essentially, when I'm referring to the increase in committed, I'm comparing it to last year at this time when you see the number was around two or three and now is

around six. So it's really that change from a year -- from when the legislation passed where we had a census, I think, of around 12 on average to that -- that higher number.

So -- so the problem with committed and detained, and, actually, we're in the process per a really thoughtful request from Representative Wallner to update this to show the cumulative number of admissions. Because looking only at detained or committed is a bit of a misleading snapshot. The detained youth are sometimes only there for a couple days, a few weeks. The committed youth are often there for years. Um -- sometimes the -- the remainder of their minority.

So -- so I think the answer to your question is we are seeing an increase. We're seeing a change in the composition in population. This isn't just New Hampshire. This is happening regionally and nationally. And, yes, it requires working with the courts because DHHS can't actually decide who goes to YDC. We rely on the courts and working with the courts to make those determinations based on very strict criteria.

REP. EDWARDS: I appreciate your answer. Thank you. Thank you, Mr. Chair.

CHAIRMAN WEYLER: Senator Birdsell for a question.

SEN. BIRDSELL: Thank you. Thank you for taking my question. Um -- understanding that the YDC, the -- the new YDC is going to have an 18 bed max, is there a Plan B in case that number goes up?

MS. HENN: So, again, I think the situation is one of it's not entirely up to just DHHS. Um -- even now, let's say there was a major incident, you know, an array of criminal activity that resulted in ten kids being sent to SYSC today. We could not accommodate that with our staffing, with our facility, with our ability to meet federal regulations for separating youth -- um -- in a way that's safe. So it's not -- it's never out of the question that the demand for services could exceed

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supply. And I think it would require -- um -- just careful conversations with the courts to say we have to come up with alternatives. We have to find ways to get some of these youth into residential treatment. We have to make sure all of them are actually appropriate and can't be served elsewhere, don't require psychiatric treatment.

So -- so it's never -- it's not like the possibility isn't always there. I think we're taking it much more seriously given the concern that you've raised that we're -- we're awfully close to that cap right now.

CHAIRMAN WEYLER: Any further questions from Committee Members? Seeing none, thank you very much. If there's no further questions on the informational items, we'll move on to the --

REP. ERF: Senator Rosenwald had a question.

CHAIRMAN WEYLER: I'm sorry, Senator Rosenwald.

SEN. ROSENWALD: Yes, I had a question on the litigation report from the Department of Justice.

CHAIRMAN WEYLER: Okay. I see the Attorney General is here. We'll move back to --

SEN. ROSENWALD: Oh, it's number --

CHAIRMAN WEYLER: 24-034 under Tab 11.

SEN. ROSENWALD: Yeah, thank you.

ATTORNEY FORMELLA: Absolutely, good morning.

SEN. ROSENWALD: Um -- Page 3 of the 2023 report.

ATTORNEY FORMELLA: Yep.

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SEN. ROSENWALD: I just wanted to ask you about two items. There are no line numbers, but they're the two expensive items. The first one is G.K, et al versus Christopher Sununu, et al. Is that an E.R. boarding case?

ATTORNEY FORMELLA: No, Senator. That is -- that's not E.R. boarding. This is a class action that was brought against this state by four -- four youth who are in foster care, but -- but have -- have mental disabilities. So they -- that is basically a challenge to how -- whether the state is doing what it needs to be doing under the law to provide services for kids who might be in foster care that -- that have mental disabilities.

SEN. ROSENWALD: Okay. Thank you.

ATTORNEY FORMELLA: Yep.

SEN. ROSENWALD: And my second question is down almost at the bottom, Investigation YDC, it's \$1.9 million. Are those the criminal cases or is that --

ATTORNEY FORMELLA: Yes.

SEN. ROSENWALD: -- the civil?

ATTORNEY FORMELLA: Yep, those are the criminal cases.

SEN. ROSENWALD: Okay. Thank you.

ATTORNEY FORMELLA: Yep.

SEN. ROSENWALD: Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Representative Leishman for a question.

REP. LEISHMAN: Thanks, Mr. Chairman, and thanks for being here. You do a staggering amount of work, which is obvious by these two documents you've given us. So I had a couple of questions.

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ATTORNEY FORMELLA: Yep.

REP. LEISHMAN: One, I saw the ConVal line was about \$850,000. Is that -- where does that stand now? Is that under stay? Is there being a repeal?

ATTORNEY FORMELLA: Yeah. So it -- it -- well, right now we filed a motion for reconsideration, but we -- we anticipate that going up on appeal. And we do not expect the costs on appeal to be anywhere close to what the costs were to prepare the case for trial and actually try the case.

REP. LEISHMAN: Okay. Thank you. And just one other question, Mr. Chairman.

CHAIRMAN WEYLER: Follow-up.

REP. LEISHMAN: I saw a couple of Liquor Commission items where you were involved. Are you being reimbursed by the Liquor Commission for any of that litigation or --

ATTORNEY FORMELLA: I -- I don't believe we get reimbursed. No. We just -- we represent every -- everyone and we -- we use the litigation fund for -- for that.

REP. LEISHMAN: Okay. Was something that former Representative Ober and I were always concerned about that the litigation, at least from the Liquor Commission, wasn't being reimbursed to your office, but.

ATTORNEY FORMELLA: Yeah. So -- so Kathy Carr was just saying, they do pay into SWICAP for civil. So they do like every other agency sort of pay in and there are shared costs for an agency like ours that -- that serves every agency in state government. So there is that reimbursement that is sort of the same as other agencies. But there's no direct reimbursement. We don't bill the Liquor Commission for litigation we do for the Liquor Commission.

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

CHAIRMAN WEYLER: Any further questions from Committee Members? Seeing none, thank you very much.

ATTORNEY FORMELLA: Thank you.

CHAIRMAN WEYLER: So I guess we're ready to move on to audits.

AUDITS:

CHAIRMAN WEYLER: Commissioner, if you don't -- if you're crowded at that table, you can go to the mics at the end of the other table as well.

CHARLES ARLINGHAUS, Commissioner, Department of Administrative Services: I think we're going to be okay.

CHAIRMAN WEYLER: All right.

MR. ARLINGHAUS: Famous last words.

CHRISTINE YOUNG, Director, Audit Division, Office of Legislative Budget Assistant: Okay. Good morning, Mr. Chairman, and Members of the Committee.

CHAIRMAN WEYLER: Good morning.

CHRISTINE YOUNG, Director, Audit Division, Office of Legislative Budget Assistant: For the record, I'm Christine Young, Director of Audits for the LBA.

Um -- as you know, we contract with KPMG to conduct the statewide audit of the financial statements. Joining us from KPMG is the Partner, Marie Zimmerman, and the preparers of the Annual Comprehensive Financial Report. From the Department of

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Administrative Services we have Commissioner Charlie Arlinghaus and State Comptroller Dana Call.

And, with that, I'm going to turn it over to Marie for the presentation of the report.

CHAIRMAN WEYLER: Thank you.

MARIE ZIMMERMAN, Partner, KPMG: Thank you and good morning. I am honored to be back in front of you today. Um -- this is my seventh time presenting to you the annual financial statement -- um -- of the State of New Hampshire.

I wanted to say that this is not a small lift. It is a testament to Charlie, Dana, and management for pulling together and for Christine and her LBA team who proactively support us throughout the audit.

We did not identify any issues or concerns as it relates to the integrated audit throughout our coordination with LBA. And we did increase the use of their support throughout our audit, as well as technology support that we were able to bring, and their team worked with us as they incorporated our technology into their audit process.

Included in your package today is a presentation that it includes our required communication, as well as the results of our audit. I'm not going to go through page by page, but I'll just summarize briefly.

We did perform our audit in accordance with Governmental Accounting Standards, and we issued an unmodified opinion, which is the cleanest opinion you can receive. We issue opinion on each of the major funds included within the basic financials. Those are the governmental funds, the business-type activities, and the aggregate discretely presented component units and each major fund included in the aggregate remaining information.

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This -- also our opinion includes references to other auditors, and that large is being the pension Trust Funds. We will be -- we did issue an opinion related to the required supplemental area information that's in relation to opinion and that required supplementary information is the MD&A and the OPEB and pension schedules.

What that means is that we subject the information within those three schedules to our audit procedures to ensure that they were presented fairly -- presented fairly in all material respects with the audited financials.

We have on Slide 5 of our presentation a required communication summarized there, and I just went through the key points that I wanted to present.

Now jumping to Slide 7. We have noted three uncorrected audited adjustments, and no corrected audited adjustments. These three Management was aware of and they primarily relate to corrections of errors that were identified to ensure that the financial statements for the current year and going forward are accurate.

We have received representations from Management and concur that the effect of these uncorrected financial statements and related counseling and disclosures are immaterial to the users, both individually and in the aggregate.

If you will note on Slide 8, we did not identify any material weaknesses. We do opine on Internal Controls as relate to financial reporting and material weakness would be the most severe level of a breakdown of Internal Control. So that is a testament to your Internal Control structure here at the state.

We did identify one significant deficiency, which is a slight carryover from the previous years as relates to the Unemployment Compensation Trust Fund. It relates to the reconciliation of their accruals on an annual basis. When I say accruals, I mean their accrual accounts. Throughout the year

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they're on a cash basis and at year end they'll -- they'll go through a process of preparing for accrual reporting, and it's the timeliness of reconciling those accounts that we reported on.

Management is in concurrence with that and continues to make efforts to ensure they have the proper levels of staffing and support to be able to perform those reconciliations in a timely manner.

We have issued a report on Internal Controls Over Financial Reporting and Compliance and other matters on the audit of the financial statements prepared in accordance with Governmental Auditing Standards. Within that report we do identify that there were no material weaknesses in Internal Controls, and we identify that one significant deficiency.

I am the Lead Partner on the Federal Single Audit, and I'll be presenting to you in April. This letter will be included within the Federal Single Audit Report that gets filed with the -- with the Federal Government.

The report -- um -- and, lastly, the one additional item I want to highlight is that there were no disagreements with Management, and there was no significant dis -- difficulties during the audit. I felt that we had a very strong working relationship and open, candid conversations, and I do appreciate that of Management to feel confident in providing you with this opinion over the basic financial statements. Does anyone have any questions?

CHAIRMAN WEYLER: Thank you very much. Questions from the Committee Members? Seeing none, thank you.

MS. ZIMMERMAN: Thank you.

CHAIRMAN WEYLER: Director -- Commissioner.

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MR. ARLINGHAUS: Just I won't belabor things, but we've had a good relationship. Marie was actually the Lead Partner in my first audit as Commissioner, and then she went away, and then she came back. So that's a --that's a good sign, I think. I'm not sure.

We worked very closely and cooperatively with both KPMG and LBA, but I want to make sure to thank -- um -- we have a very strong accounting staff in the state and in Accounting Services, and you all know the Comptroller very well; but I want to make sure I mention Scott Eagen, who's our Director of Financial Reporting, who's a newer employee, who did yeoman's work on this. So many times when I -- when I stopped by the third floor would wander down because there was only one light on late at night and, hopefully, he's accruing lots of comp time, which is a grand thing. But -- and Cat Bogan, and Deputy Comptroller Karen Burke as well.

So we have very good staff who did a very good job on this, and it's why the results are as good as you see. And I'm happy to note that during Dana's entire tenure the CAFR has -- the ACFR has been on time, which is unusual.

CHAIRMAN WEYLER: We all appreciate that. Thank you very much, Comptroller. Any questions on the Comprehensive Annual Financial Report for this team? We're delighted to have it on time and have it -- the results come out as well as they did. Nothing further on the CAFR. You have our compliments.

MS. YOUNG: Okay. Now we'd like to present the Turnpike System's Annual Financial Report. KPMG conducted this audit. The partner, Bob Mahoney, will present the report. And joining us also.

REP. EDWARDS: {Inaudible} microphone more.

MS. YOUNG: Oh, sure.

REP. EDWARDS: It's particularly hard to --

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MS. YOUNG: Okay.

CHAIRMAN WEYLER: All right. Turnpike audit.

MS. YOUNG: Turnpike audit. Yes. Bob Mahoney, the Partner from KPMG will present the report. And also joining us is Danielle Chandonett, Director of Finance from the Department of Transportation. And, with that, I'll turn it over to Bob for the presentation of the report.

BOB MAHONEY, Partner, KPMG: Great. Thank you very much. You should in your materials have three deliverables related to the Turnpike System. The first deliverable is the financial statements. The second is the report on Internal Control Over Financial Reporting and Compliance, and the third is the Debt Compliance Letter. And before I go through each of those quickly, I just wanted to congratulate Danielle and her team for all their efforts during the audit. There's a lot of -- lot of time spent compiling the financial statements timely and accurately so just wanted to congratulate Danielle and her team.

Um -- with respect to the financial statement opinion, that opinion indicates that Management is responsible for the fair presentation and accuracy of the financial statements and KPMG is responsible for expressing an opinion on the financial statements.

We conducted our audit in accordance with Generally Accepted Auditing Standards, as well as Government Auditing Standards, and that report also references the report on Internal Control Over Financial Reporting, which I indicated earlier was the second report in your materials.

That Yellow Book Report indicates that there were no significant deficiencies or material weaknesses identified during the course of the audit. So, again, congratulations to Danielle and her team. And then the last report in the materials, the Debt Compliance Report, indicates that we

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reviewed the provisions and covenants within the bond resolutions and determined that the Turnpike System was in compliance with those provisions. So all good news to report with respect to the reports that you have in front of you.

In addition, I will cover the required communications to the Committee. So there were no significant or unusual transactions that we identified during the course of the audit. There was one uncorrected misstatement which relates to a non-GAP policy, which is consistent with uncorrected misstatement that we have identified in the past related to the allocation of the net Other Post-Employment Benefit liability. So the State does not allocate the Trusted OPEB plan liability to the Enterprise Funds, and the Turnpike being one of those.

So, again, that's - it's about a million dollar net pension liability that was not allocated. So that was one uncorrected misstatement that we identified. There were no corrected misstatements that we identified during the course of the audit. Again, there were no material weaknesses or significant deficiencies identified.

We did discuss the significant accounting policies which are disclosed in the notes of the financial statements with Management during the course of the audit and determined that they were reasonable. In addition, we evaluated the significant accounting estimates during the course of the audit, which included the valuation of investments, the valuation of the toll receivables allowance, as well as accruals of expenses, and also determined those to be reasonable.

There were no actual or suspected illegal acts that we identified during the course of the audit. There were no subsequent events that we identified. No non-compliance with laws or regulations. No significant difficulties that we encountered during the audit. Management did not consult with other accountants that we are aware of. There were no difficult or contentious matters that we dealt with during the course of

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the audit. No disagreements with Management during the course of the audit. And we are independent of the Turnpike as well.

So, with that, that's all I have for prepared remarks. And if you have any questions, happy to answer those. And if Danielle has any comments, that's fine as well.

CHAIRMAN WEYLER: Questions so far from Committee Members? Representative Leishman.

REP. LEISHMAN: Thank you, Mr. Chairman. I noticed the accounts payable from last year to this year seem to be significantly higher by like \$10 million. Are we paying our bills later or --

DANIELLE CHANDONNET, Director of Finance, Department of Transportation: Hi, Danielle Chandonnet. I'm the Director of Finance for the DOT. We -- we capture as much as we can. We have had some issues with staffing in AP. So they have drawn out a little bit. But -- but they're all paid up and we work on that on a regular basis. It's good.

REP. LEISHMAN: Okay. So just a staffing issue in getting the checks out type thing.

MS. CHANDONNET: Yes.

REP. LEISHMAN: All right. Thank you. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Thank you. Any further questions from Committee Members? Seeing none, thank you very much. Lottery. Good morning.

MS. YOUNG: Okay. All here. The next presentation will be for the audit of the Lottery Commission financial statements, which was performed by our office. With me is Kimberly Bisson. She was the Senior Manager on the audit who conducted the audit. And joining us from the Lottery Commission is Charlie McIntyre,

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Executive Director, and Jim Duris, Chief Financial Officer to respond to any questions that you may have. And, with that, I will turn it over to Kimberly for the presentation.

KIMBERLY BISSON, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant: Thank you. Good morning, Mr. Chairman, and Members of the Committee. For the record, my name is Kimberly Bisson. We're here today to report the results of our audit of the financial statements contained in the New Hampshire Lottery Annual Comprehensive Financial Report for the Fiscal Year ended June 30th, 2023.

The financial statements begin on Page 46 of the Lottery ACFR. Lottery's Management is responsible for the preparation and fair presentation of those financial statements in accordance with Generally Accepted Accounting Principles. Our Auditor's Report and Opinion dated December 20, 2023, can be found on Pages 27 through 30 in the financial section of the report.

As noted in the opinion paragraph on Page 27, we issued an unmodified or clean opinion on the Lottery Commission's basic financial statements, which also include the notes and other supplementary information.

While our opinion speaks directly to the basic financial statements and notes, no matters came to our attention that caused us to believe that other information in the financial section of the report was inconsistent with the basic financial statements.

Auditing standards require that we make a number of disclosures to you. These disclosures are included in the other required communications handout that was provided with -- provided with your report.

In the interest of time, I will not go through each of them individually. However, we can say that we were satisfied with the cooperation of the Lottery and the progress of the audit,

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and there's nothing that we need to bring to the Committee's attention related to any concerns related to those required disclosures.

In accordance with Government Auditing Standards, we will be issuing a report on our consideration of the Lottery's Internal Control Over Financial Reporting and on Compliance and other matters as a byproduct of our audit. That report will be included in the Management Letter, which will be presented to this Committee at a future meeting.

This concludes my presentation. I'd like to thank Lottery Commission Management and their staff for their assistance during the audit. And with your permission, I'll turn the presentation over to Director McIntyre.

CHARLES MCINTYRE, Executive Director, New Hampshire Lottery Commission: Uh -- good morning, Mr. Chairman, Members of the Committee. Charlie McIntyre, Director of Lottery.

First, I want to thank the folks at LBA for this. They work collaboratively well with our staff; but also I want to thank our Chief Financial Officer Jim Duris who does this. Obviously, remarkably competent report but also really good-looking.

CHAIRMAN WEYLER: As always.

MR. MCINTYRE: Just, you know, we're both -- we're real good at math and we're real good at how things look. So want to thank the Committee and answer any question you folks have.

CHAIRMAN WEYLER: Congratulations on a very good year. To what do you attribute your 12.4% increase?

MR. MCINTYRE: Other than our remarkable ability? Um -- essentially everything working well. And you take advantage of natural occurrences, right? So Powerball had a good year because interest rates went up. And so jackpot sizes went up because jackpots are a factor of cash on hand, times the

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bond factor, which is essentially interest rates. That being said, New Hampshire was number one in the country of Powerball sales. So, yes, it was a natural occurrence, a tailwind; but, also, we took remarkable advantage of the tailwind. So, you know, the more I prepare -- you know, the more I prepare, the better luck we have. So any way.

In sports betting, also, we're number two in the country of sports betting profitability for the state. So, yes, we have natural occurrences. Yes, I'd like to thank the Dallas Cowboys for losing because that alone and I -- I reminded Commissioner Copadis on the way out. I thanked him personally and said we owe Jared Jones a fruit basket so. But, anyway, a number of good factors. Really, this past year was a -- a positive aspect of all -- on all our verticals.

CHAIRMAN WEYLER: Congratulations! Further questions from the Committee? Representative Leishman.

REP. LEISHMAN: I'd just like to thank Charlie and his team, because it seems like ever since we stole you from Massachusetts our revenues continue to climb. And just the note that \$43 million just this year alone went into the Education Fund. So just want to thank you and I know I speak for the whole Committee that you're doing a great job.

MR. MCINTYRE: Listen, I have a wonderful team. I work with some of the most talented folks. I would note that since I started we have gone from 62 million to 187 million and hasn't been reflected in my salary. Just -- just to point -- just to point out next budget session, that's all.

SEN. D'ALLESANDRO: Well, Charlie, think of it this way. Our salaries haven't increased in -- in a hundred years.

(Laughter).

CHAIRMAN WEYLER: We should put you on bonuses.

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SEN. D'ALLESANDRO: Right.

CHAIRMAN WEYLER: Just as some of your staff. Any further questions? We're all delighted. Appreciate your work. Thank you very much.

MS. YOUNG: Okay. And last, but certainly not least on the agenda for today, is the -- the Liquor Commission financial statement presentation. This audit was also performed by our office. And with me to present the audit report today is Jim LaRiviere. He was the Senior Manager from our office who conducted the audit. And joining us from the Liquor Commission is Chairman Mollica, Chief Financial Officer Tina Demers, and Chief Operating Officer James Vara. And now I will turn it over to Jim for the presentation.

JIM LARIVIERE, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant: Good morning, Chairman Weyler, and Members of the Committee. Again, for the record, my name is Jim LaRiviere. We are here today to report the results of our audit of the financial statements of the Liquor Commission -- Commission's financial statements in their Annual Comprehensive Financial Report for the Fiscal Year ended June 30th, 2023. Our Auditor's Report and Opinion dated December 18th can be found on Pages 18 -- 15 through 18 in the financial section of the report.

As noted in the opinion paragraph on Page 15, the financial statements are presented fairly in all material respects in accordance with Generally Accepted Accounting Principles. An important item to note is no material adjustments to the accounting records were proposed as a result of our audit.

While our opinion speaks to the basic financial statements and notes, no matters came to our attention that caused us to believe that other information in the financial section of the report was inconsistent with the basic financial statements.

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Auditing standards require that we make a number of disclosures to you, which are included in the other required communications handout included with your report. In the interest of time, I will not go through each of the disclosure requirements individually. However, we can say that we were satisfied with the cooperation of the Liquor Commission and the progress of the audit, and there's nothing that we need to bring to the attention of the Committee related to any concerns with those required disclosures.

In accordance with Governmental Auditing Standards, we will include the report on our consideration of Internal Controls Over Financial Reporting Compliance and other matters as a byproduct of this audit in our Management Letter that will be presented to the Committee at a future meeting.

I would like to thank the Liquor Commission's Management and staff for their cooperation and assistance throughout the audit.

This concludes my part of the presentation. And with your permission, Chairman Weyler, I'd like to turn the presentation over to Chairman Mollica for any comments that he may have.

CHAIRMAN WEYLER: Thank you.

JOSEPH MOLLICA, Chairman, New Hampshire Liquor Commission: Thank you, Jim.

CHAIRMAN WEYLER: Good morning.

MR. MOLLICA: Good morning, Members of the Committee. Joseph Mollica, Chairman of the New Hampshire Liquor Commission. With me is our CFO Tina Demers and COO James Vara. We'd just like to thank the LBA for the work that they've done. They're always collaborative. They're very helpful and Jean and Jim and every one that comes over does great work.

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I'd like to thank Tina and her team. They've done wonderful work over the years. We've certainly come a long way at the Liquor Commission given the audits that we've had in the past, and we're very pleased with what the agency is doing.

I'd be happy to answer any questions that you may have. Thank you.

CHAIRMAN WEYLER: Thank you. Questions from the Committee? We're pleased that you're having a good year in managing all those stores and keeping everything moving. Any challenges ahead that you see?

MR. MOLLICA: Well, I think that, you know, we had some challenges at the end of the last Fiscal Year. The weather wasn't great. We didn't have a great summer. We lost some of our large volume sales from across, but we're -- we're adjusting our prices. We've got some major competition in Massachusetts with Total Wine building eight stores there since 2016. So -- but we are doing our best and we're up about 13 -- 13 million thus far this Fiscal Year so thank you.

CHAIRMAN WEYLER: Good work.

MR. MOLLICA: Thank you very much, Mr. Chairman.

CHAIRMAN WEYLER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Uh -- thank you, Mr. Chairman. I think it's -- it's remarkable that the Commission has done as well as it has given the level of competition. I don't know how many of you get the *Globe* and listen to public -- our public radio where -- where the competition is advertising against us on our own public system. That's -- that's damn difficult to deal with. And -- and I think the Commission does a terrific job in sustaining its profitability and -- and doing -- doing the job properly. So kudos to the Commission and to everyone involved.

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And I'm -- I'm very -- very concerned about the future based on, A, the level of competition, the fact that -- that the -- the competitive -- the competitive advances that we once held doesn't really exist anymore. It's only through the efforts of the Commission that we sustain. But competition is severe at this point in time. And this -- this local wine situation, that's a massive corporation, massive corporation. And, as I say, they're -- they're attacking us. So kudos for the job well done. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Thank you.

MR. MOLLICA: Thank you, Senator.

CHAIRMAN WEYLER: Further from the Committee? Senator Rosenwald.

SEN. ROSENWALD: Thank you. What's the vacancy rate in your stores?

MR. MOLLICA: From an employee standpoint?

SEN. ROSENWALD: Hm-hum.

MR. MOLLICA: We're actually in pretty good shape right at the moment. The vacancy rate is very low. We've basically given the 10% and where our opening salary is 15.64 now. So we've found that to be very competitive. And we've seen a lot of people come back to the market that come back to the part-time labor market that weren't there, as well as the incentive program, which has worked wonderfully, which is drawing some folks back to us that wouldn't get incentives in these positions, in these retail positions in other markets, so.

SEN. ROSENWALD: Thank you.

MR. MOLLICA: Thank you, Senator.

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CHAIRMAN WEYLER: I think that's worked out well where you expanded your hours with part-time people. They were happy to get the jobs. And your customers were certainly happy to get there in late hours and on weekends. So that was -- that was a big step. Appreciated that.

MR. MOLLICA: Thank you very much, Representative -- Mr. Chairman.

CHAIRMAN WEYLER: Further from the Committee? Senator Birdsell.

SEN. BIRDSELL: Just a comment. Hampstead would like their store back.

CHAIRMAN WEYLER: It's all a matter of volume.

MR. MOLLICA: We're hoping everybody loves the new Derry store, Senator. Thank you.

CHAIRMAN WEYLER: Thank you. Anything further from the Committee? Representative Leishman.

REP. LEISHMAN: Well, hearing Senator D'Allesandro's comments, I just -- I guess I'm looking for how we going to deal with this declining revenue based on all the competition you're getting? Do you have a plan in place or -- 'cause obviously it's having an impact on your revenues.

MR. MOLLICA: Well, it hasn't necessarily had an impact in the revenues this year going forward. You were seeing it there. What we've done, what the plan is to do is to do greater discounting.

What we've seen from Total Wine is, you know, they'll literally on national brands, they'll work on a penny a bottle, 2-cents a bottle. They're a private label retailer, so they'll work on 50 or 60% markup on their private labels and give away the national brands. So by discounting additional discounts from

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15 to 20%, which has only driven our gross profit down about a quarter of a percent thus far, given that we started this program in July and we've run it through, we're seeing those folks come back to us and buy here. So it's costing us a quarter of a percent to become more aggressive across the border.

And, you know, we have to -- we also have to be concerned with the three states around us that have cannabis. Because there's additional funds -- there's only so much funds that people have to spend on, you know, these types of things. And we're seeing that in the three states around us, we're -- they're doing just under \$2.5 billion in cannabis sales. Massachusetts did 1.75 billion last year. So the type of discretionary income that normally would have been spent on alcohol is being spent on cannabis. And when you see the baby boomers moving out of the market, you know, the folks born from '46 to '64 are moving out of the alcohol market. The people moving in behind them, the generations behind them, are buying less alcohol and they're buying more cannabis. So we're seeing a split in that revenue being spent, which is affecting the alcohol business overall world-wide and nationwide.

We have a glut of wine in France that they're pouring down the drain. They're pulling up -- they're pulling up vines in Spain and in -- in -- in South America and they're planting other crops, because the folks that -- the baby boomers that drove the alcohol market for many years are now aging out, and the people behind them don't drink at the same pattern. So it's something that we're -- we're -- we realize, and it's something that we're working on aggressively.

REP. LEISHMAN: Thank you, Mr. Chairman.

MR. MOLLICA: My pleasure. Thank you.

REP. LEISHMAN: So, Mr. Chairman, I guess we ought to start smoking pot even though it's illegal.

SEN. D'ALLESANDRO: {Inaudible}.

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CHAIRMAN WEYLER: No, he obviously has some challenges. I wonder if this new business in Massachusetts can sustain the low prices they have.

MR. MOLLICA: Well, being a national chain -- uh -- they have -- they're in 24, 25 states now. They have about 260 stores. And, you know, they're running somewhere just under \$4 billion in sales. They have 13,000 employees nationwide. So they're, you know, they're a big company and a lot of the national -- national suppliers don't necessarily like what they're doing with dropping those prices and building a knock-off brand against them. But they're such a huge brand that you cannot do business with them. So it's kind of you're caught between a rock and a hard place if you're -- if you're a national supplier. And so you have to do business with them.

The -- the sweet spot for us is knowing that they do not -- they do not have the type of inventory that we have. So when we put something on sale, we have tens of thousands of cases to back that sale up. They clearly do not. They don't have that and they never have. So they disappoint consumer after consumer that comes to those stores looking for that -- for those products at that price. They may have six or seven bottles so at that particular price. And what we've seen in Massachusetts is they're offering those low prices, but they'll be doing it in particular stores. Sometimes they'll say only available in Natick, only available in Shrewsbury. So they're moving consumers around. You know, they're playing a shell game with consumers. And we as a business do not do that, and I think our consumers are responding to it.

CHAIRMAN WEYLER: Aren't they paying a higher tax on wine in Mass.

MR. MOLLICA: Well, I think in general -- there's no sales tax on alcohol anymore in Massachusetts. It's been dropped. It was something that they put in place and then they pulled away.

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But there's talk of it coming back, and praise Jesus that it does.

CHAIRMAN WEYLER: Knowing the history of that state as we do, I think the taxes will go back. Representative Erf.

REP. ERF: Thank you, Mr. Chair. Could you speak to the increase in administrative costs between '22 and '23?

TINA DEMERS, Chief Financial Officer, New Hampshire Liquor Commission: Those are primarily due to salaries and benefits and our contracts and rents for our locations. So the rents have increased for the additional square footages for the new locations that we've brought on.

REP. ERF: By 25%?

MS. DEMERS: No, but then there's the salary and benefits are increase in debt. So there's many different factors that drive those costs up.

REP. ERF: Do you expect that to be the same going forward, the same kind of increases going forward?

MS. DEMERS: Not to that same level; but we do have the increase this year for the pay raise that went into effect, the 10% pay raise.

REP. ERF: Thank you.

CHAIRMAN WEYLER: Anything further? Representative Leishman.

REP. LEISHMAN: Just backing up to the last response. That national chain with a 260 some odd stores, how close are -- are they like in Methuen or Tyngsboro? Are they right on the border now?

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MR. MOLLICA: They started out with just one store in Natick was their first store. But they have eight stores within 30 minutes of our southern border. And their further store west is in -- on the Shrewsbury/Northborough line. And everything else is inside the 95/495 beltway. So they've taken that Boston market from the Rhode Island border to our border and they've kind of controlled that, and it's caused a lot of havoc in Massachusetts. A lot of people that were doing business there for many, many years have sold off their businesses and sold to other entities or, you know, diversified. The Kappy's chain, which was in Massachusetts for years, completely sold out and they've -- they just opened about two months ago their first cannabis location. The Kappy's family did, so.

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

CHAIRMAN WEYLER: Anything else? We appreciate this fine report. Thank you very much for adapting to all these challenges.

MR. MOLLICA: Thank you very much, Mr. Chairman. We're doing our best. Thank you. You can take that to the bank. Thank you.

(13) Date of Next Meeting and Adjournment

CHAIRMAN WEYLER: All right. Mr. Kane, anything you want to bring before the Committee? Shall we tentatively set a date for the next meeting? I think Senator Gray already has. The third Friday in February is the 16th. Anybody have any problems so far with the 16th of February for the next meeting?

REP. EDWARDS: No, sir.

CHAIRMAN WEYLER: Friday the 16th. You have to work? Okay. 10 o'clock. Yep. Excuse me.

{Inaudible}.

(Laughter)

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SEN. BIRDSELL: Not in February. It was beautiful, the Baltic Sea.

CHAIRMAN WEYLER: Put in a bill.

SEN. BIRDSELL: Huh?

CHAIRMAN WEYLER: Put in a bill to get your expenses. I'll co-sponsor.

SEN. BIRDSELL: Top of the {Inaudible}.

CHAIRMAN WEYLER: All right. There's nothing else, I'll entertain a motion to adjourn.

** SEN. D'ALLESANDRO: So move.

CHAIRMAN WEYLER: Second?

SEN. GRAY: Third and fourth.

CHAIRMAN WEYLER: All in favor? We are adjourned. Thank, you, Mr. Kane. Thank you for all the people who come here to provide us with answers. And thank you for all the good audits. All right.

(Meeting adjourned.)

CERTIFICATION

I, Cecelia A. Trask, a Licensed Court Reporter in the State of New Hampshire, do hereby certify that the foregoing transcript was transcribed by me from the official YouTube recording. I was not physically present at this meeting, and I have transcribed the said recording to the best of my ability, skill, knowledge, and judgment.

Cecelia A. Trask, RPR, RMR, CSR
NH Licensed Shorthand Reporter #00047

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