

JOINT LEGISLATIVE FISCAL COMMITTEE

Zoom Webinar (Remote)
Friday, March 19, 2021

MEMBERS PRESENT:

Rep. Ken Weyler, Chair
Rep. Lynne Ober
Rep. Karen Umberger
Rep. Tracy Emerick
Rep. Peter Leishman
Sen. Gary Daniels
Sen. Bob Giuda
Sen. Regina Birdsell (Alt.)
Sen. Cindy Rosenwald
Sen. Lou D'Allesandro

(The meeting convened at 10:09 a.m.)

(1) Call In Instructions:

KENNETH WEYLER, State Representative, Rockingham County, District #13: Good morning, everyone. I'll call the meeting of the Fiscal Committee to order, the Joint Fiscal Committee on February 19, 2021 (sic), and I will read this script.

As Chair of the Fiscal Committee, I find that due to the state of emergency declared by the Governor, as a result of the COVID-19 Pandemic, and in accordance with House Rule 67, and the Governor's Emergency Order Number 12, pursuant to the Executive Order 2020-04, this public body is authorized to meet electronically. This is a regular meeting of the Committee.

Please note that there is no physical location for members of the public to observe and listen contemporaneously to this meeting. However, in accordance with the emergency order, I'm confirming that all members of the committee and selected legislative staff have the ability to communicate contemporaneously during this meeting through the Zoom electronic meeting platform and the public has access to

contemporaneously listen and, if necessary, participate in this meeting by the Zoom platform or by telephone.

All necessary access information has been made available in the House and Senate Calendars and through the electronic calendar on the General Court website. The notice for this meeting complies with House Rules and RSA 91-A. Anyone who has a problem accessing the meeting should e-mail LBA_Fiscal@leg.state.nh.us. In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. LBA staff are on the meeting assisting us. Please note that all votes taken during this meeting shall be done by roll call vote. And I will ask the Clerk to call the roll call. When your name is called, please announce if you're alone in the room. Thank you.

KAREN UMBERGER, State Representative, Carroll County,
District #02: Good morning. Representative Ober.

LYNNE OBER State Representative Hillsborough County
District #37: I'm in Hudson, and I'm currently alone in the House. Russ is out jogging.

REP. UMBERGER: Representative Emerick.

TRACY EMERICK, State Representative, Rockingham County,
District #21: I'm in my home office in Hampton alone.

REP. UMBERGER: Representative Leishman.

PETER LEISHMAN, State Representative, Hillsborough County,
District #24: Good morning. I'm here in Peterborough with Cheryl and my dog Jack.

REP. UMBERGER: Are they in the room or --

REP. LEISHMAN: They're in the house somewhere.

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REP. UMBERGER: Okay. Thank you. Representative Umberger. I'm in my home in Kearsarge alone. Representative -- I'm sorry, Senator Daniels.

GARY DANIELS, State Senator, Senate District #11: Senator Gary Daniels. I'm at my home in Milford and I'm alone.

REP. UMBERGER: Representative Birdsell. I'm sorry, Senator Birdsell. Excuse me.

REGINA BIRDSELL, State Senator, Senate District #19: Hi! I go by any name. Hum -- I am in my home in Hampstead and my husband is up in the office and he will be going through periodically, and I have our dog Remi in the room.

REP. UMBERGER: Okay. Representative Giuda.

ROBERT "Bob" GIUDA, State Senator, Senate District #02: I'm called Representative, I've been called Senator, I've been called a lot of other names, too.

REP. UMBERGER: I apologize. I'm having trouble reading.

SEN. GIUDA: That's okay. That's okay. I'm at my home in our dining room. My daughter, grandson, and our dog are upstairs and may transient; but at present I'm alone.

REP. UMBERGER: Okay. Let me get this right. Senator Rosenwald.

CINDY ROSENWALD, State Senator, Senate District #13: Good morning. I am at my house in Nashua, and I'm alone in the room.

REP. UMBERGER: Senator D'Allesandro.

LOU D'ALLESANDRO, State Senator, Senate District #20: I'm Senator Lou D'Allesandro. I'm in my home in Manchester and I am alone.

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REP. UMBERGER: Thank you very much. Representative Weyler. Representative Weyler, you need to unmute.

CHAIRMAN WEYLER: I'm in Kingston. I'm alone in this room. There are others in the house. Thank you.

REP. UMBERGER: Okay. That's roll call.

CHAIRMAN WEYLER: It's not as easy as you make it look, Karen.

(2) Acceptance of the minutes of the February 19, 2021 Meeting.

CHAIRMAN WEYLER: All right. Next on the agenda are the acceptance of the minutes of February 19, 2021. I'll entertain a motion to adopt those minutes.

****** SEN. DANIELS: Move the minutes.

****** SEN. D'ALLESANDRO: I'll move, but Senator Giuda has a correction in the minutes.

CHAIRMAN WEYLER: All right. We have a motion from Senator D'Allesandro, and a second from, I think, Senator Giuda. Senator Giuda has a correction.

SEN. GIUDA: Thank you, Mr. Chairman. During the course of the meeting, I had requested of the Chief of Enforcement for the Liquor Commission a copy of his report in which he had stated that he as well had detailed the management shortcomings of the organization prior to the performance audit being completed. That is not reflected in the minutes and we never received a report.

CHAIRMAN WEYLER: Thank you. We can make that request again later on in the agenda. We'll be having someone from Liquor Commission presenting their progress as we requested last month.

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SEN. GIUDA: Mr. Chairman, is it necessary to make a motion to amend the minutes?

CHAIRMAN WEYLER: It wouldn't hurt.

MICHAEL KANE, Legislative Budget Assistant, Office of Legislative Budget Assistant: Yes, I would.

REP. OBER: Could the maker of the motion amend his motion to approve as amended?

SEN. D'ALLESANDRO: Yes. I would -- I would adjust my motion to reflect I accept -- I request that we accept the minutes as amended.

SEN. GIUDA: If you like, Mr. Chairman, I can provide the language.

CHAIRMAN WEYLER: Let me get a second. Let me get a second.

SEN. DANIELS: Senator Daniels second.

CHAIRMAN WEYLER: Thank you. All right. Senator Giuda's recognized.

SEN. GIUDA: Thank you, Mr. Chairman. I would move that we amend the minutes to incorporate the following language. Senator Giuda requested that a copy of the enforcement chief assessment previously written on management be delivered to the Committee Members.

CHAIRMAN WEYLER: Thank you.

REP. LEISHMAN: I'll second that motion.

SEN. GIUDA: I'd like to speak to my motion.

REP. UMBERGER: Okay. Who seconded that, please?

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REP. LEISHMAN: I'll second it.

REP. UMBERGER: Thank you.

CHAIRMAN WEYLER: Representative Leishman seconds. Senator Giuda is recognized.

SEN. GIUDA: Thank you, Mr. Chairman. During the conversation in which we were discussing the performance audit, the Chief had indicated that he had done his own assessment internally and this reflected the findings of the performance audit review team. And so for that reason I'd like to have that document as part of this -- as part of the minutes. Or certainly submitted to us and this statement as part of the minutes. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Okay. And my apologies. I believe I did get something from the Chief of Enforcement, and I thought I had forwarded it, but perhaps I had failed to do that. But I did read a piece both from the lawyer and from the Chief, along with many other things I read and put aside. So I will try to get that reproduced. Thank you.

And so we have a motion before us to accept the minutes as amended and heard the amendment. Are we ready for the vote? Seeing none, no questions. Clerk will call the roll on accepting the minutes as amended.

REP. UMBERGER: Okay. Do we need to vote on the motion that Senator Giuda put out?

CHAIRMAN WEYLER: That was adopted into the motion by Senator D'Allesandro to accept the minutes as amended and then we recognized Senator Giuda to read the Amendment, so.

REP. UMBERGER: Okay.

CHAIRMAN WEYLER: I believe the motion adopts the Amendment.

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MR. KANE: Yes.

REP. UMBERGER: Okay. Thank you. Representative Ober.

REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Leishman.

REP. LEISHMAN: Yes.

REP. UMBERGER: Representative Umberger. Yes. Senator Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Birdsell.

SEN. BIRDSELL: I'm going to abstain.

REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

REP. UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

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REP. UMBERGER: The vote is nine in favor, and one abstention.

***** {MOTION ADOPTED}**

(3) Old Business

CHAIRMAN WEYLER: Thank you. Minutes are accepted. We have nothing under Old Business.

CONSENT CALENDAR

(4) RSA 9:16-a, II Transfers Authorized:

CHAIRMAN WEYLER: We'll move to the Consent Calendar under Tab 4. Does anybody --

****** REP. OBER: Move to approve.

CHAIRMAN WEYLER: Anybody wishing to remove either line item? Seeing no removals, I have a motion from Representative Ober.

SEN. D'ALLESANDRO: Second.

CHAIRMAN WEYLER: Second from -- is that Senator D'Allesandro?

SEN. D'ALLESANDRO: Yes.

CHAIRMAN WEYLER: Second from Senator D'Allesandro for items number 21-049 and 21-050. Are we ready for the question? Clerk will call the roll on accepting Tab 4, the Consent Calendar.

REP. UMBERGER: Representative Ober.

REP. OBER: Yes.

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REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Leishman.

REP. LEISHMAN: Yes.

REP. UMBERGER: Representative Umberger. Yes. Senator Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

REP. UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: The vote is 10 to 0.

CHAIRMAN WEYLER: The motion is adopted.

***** {MOTION ADOPTED}**

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

CHAIRMAN WEYLER: Next look at tab number (5), and the two items under that Consent Calendar are 021-051 and 21-053. Does anybody wish either one separate from that roll?

** SEN. D'ALLESANDRO: I would move the item.

CHAIRMAN WEYLER: Seeing no request, I accept a motion from Senator D'Allesandro.

SEN. ROSENWALD: Second.

CHAIRMAN WEYLER: For number 5, 21-051 and 053. And I think I heard a second from Senator Rosenwald.

SEN. ROSENWALD: Yep.

CHAIRMAN WEYLER: So we will call the roll on items FIS 21-051 and 21-053.

REP. UMBERGER: Representative Ober.

REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Leishman.

REP. LEISHMAN: Yes.

REP. UMBERGER: Representative Umberger. Yes. Senator Daniels.

SEN. DANIELS: Yes.

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REP. UMBERGER: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

REP. UMBERGER: Senator Rosenwald. Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: The vote is ten in favor and none opposed.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Thank you. Motion is adopted.

(6) RSA 106-H:9-I (c) Funding; Fund Established

CHAIRMAN WEYLER: Moving on to tab number six which is item FIS 21-057. Questions on the item? Seeing none.

SEN. ROSENWALD: I do.

CHAIRMAN WEYLER: Senator Rosenwald has questions on Item 21-057.

SEN. ROSENWALD: I do. I do have a question for the Department.

CHAIRMAN WEYLER: Thank you, Senator Rosenwald. Is there someone on the call from safety that can answer questions?

MR. KANE: Yes, we'll move them over. Steve Lavoie.

CHAIRMAN WEYLER: Thank you. All right. Mr. Lavoie, the finance officer from Safety. We have a question from Senator Rosenwald.

SEN. ROSENWALD: Thank you. Thank you, Mr. Lavoie, for taking my question. In using this orthoimagery program, will the agency be able to identify individuals on the ground or individual car license plates and include that in its operational activities?

STEVEN LAVOIE, Director of Administration, Department of Safety: Good morning, Mr. Chair, Members of the Committee. Thank you for the question, Senator. No, no. This is not -- this is aerial photography that is at a standard mapping level. You cannot discern people's faces for a number of reasons. One, the image is too high. So you're not low enough to the ground. But, secondly, it's directly overhead. So we're talking parallel to the ground 90 degrees, and it's only used for mapping purposes.

So the real -- the real use for this in the Department is in our 9-1-1 operations we -- we can identify where the calls are coming from. It's a lot easier with a land line where we could identify the address that the phone line's coming from. But wireless services now are mobile and this allows us to more accurately pinpoint where that call is originating and help share that information with first responders as they're responding to the emergency. So that's the primary use.

SEN. ROSENWALD: Great. Thank you.

MR. LAVOIE: You're welcome.

CHAIRMAN WEYLER: Okay. Any further questions for 21-057?
Seeing none. I'll entertain a motion to adopt the motion to pass
21-057.

** SEN. ROSENWALD: I would move that.

CHAIRMAN WEYLER: Thank you. Motion from Senator Rosenwald.

REP. EMERICK: Second Emerick.

SEN. DANIELS: Senator Daniels.

CHAIRMAN WEYLER: Second from Representative Emerick to
adopt the proposal. Clerk will call the roll on 21-057.

REP. UMBERGER: Representative Umberger -- Ober.

REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Leishman.

REP. LEISHMAN: Yes.

REP. UMBERGER: Representative Umberger. Yes. Senator
Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

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REP. UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: The vote is ten in favor and none opposed.

*** {MOTION ADOPTED}

(7) **RSA 228:12 Transfers from Highway Surplus Account:**

CHAIRMAN WEYLER: The proposal is adopted. Moving on to Tab 7, and this is FIS 21-054, transfer from Highway Fund. Are there any questions? Seeing none.

** SEN. D'ALLESANDRO: I would move the item.

CHAIRMAN WEYLER: Senator D'Allesandro moves the item.

SEN. DANIELS: Second Senator Daniels.

CHAIRMAN WEYLER: I heard Senator Daniels second the motion. The clerk will call the roll to adopt the transfer of 21-054.

REP. UMBERGER: Representative Ober.

REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Leishman.

REP. LEISHMAN: Yes.

REP. UMBERGER: Representative Umberger. Yes. Senator Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

REP. UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: The vote is ten in favor and none opposed.

CHAIRMAN WEYLER: All right. The motion is adopted.

*** {MOTION ADOPTED}

(8) Miscellaneous

(9) Informational Materials:

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CHAIRMAN WEYLER: Are there any things on Informational Materials? Anyone wishes to query any of the departments?

(No response).

(10) Audit Informational Materials:

CHAIRMAN WEYLER: Seeing none. We'll move on to number 10, the audit information from the Liquor Commission, and we have a report. I believe you've all received it. Very extensive report, 36 pages -- 39 pages, excuse me, showing that they have given themselves 175 tasks and they've already accomplished 79 of them and 17 substantially for about 55 percent and partially they have got 81 percent. If anyone -- Senator Giuda wanted to query about that report from, I think, the Chief Armaganian. Is anyone from Liquor?

MR. KANE: We will hold them over. If they could raise their hand on the attendee list, be easier to identify. And just to clarify, you did receive an electronic document. I believe what Senator Giuda was referring to is an internal assessment by Liquor specifically referenced, separate from what you have received, so.

CHAIRMAN WEYLER: That was received fairly early after the last meeting, I believe.

MR. KANE: We can try to track that down.

CHAIRMAN WEYLER: All right. Senator Giuda, re-transmit it to you or do you wish to -- have any questions for Liquor?

SEN. GIUDA: No, I received documentation about the question that was raised regarding the resistance to access to the personnel files. That was more than adequately -- that was more than adequately presented. Just got a document that reflects their -- called The Remediation Plan. Just got that like yesterday, certainly the last couple of days. But the Chief in his speaking to the issue had said that he had done his own

internal audit of sorts and had developed a report on the condition of the management of the enforcement agency. And I had asked for a copy of that, and that was reflected in my amendment to the minutes. Didn't reflect in the minutes and we didn't get any such copy of the Chief's internal report.

CHAIRMAN WEYLER: Mr. Kane, do you remember forwarding that on to the Members? I thought I received a copy.

MR. KANE: Uh -- I do not see it. Maybe the Chief or Chairman Mollica could comment on the status of that.

CHAIRMAN WEYLER: Okay. All right. We have -- I see the Commissioner and I see Ms. Wiant and they're ready to fill us in.

ROSEMARY WIAN, Chief Operating Officer, New Hampshire Liquor Commission: Good morning. Rosemary Wiant. I'm sorry.

CHAIRMAN WEYLER: Good morning. Congratulations on your progress to date. It's very impressive.

MS. WIAN: Thank you. Hum --

CHAIRMAN WEYLER: When does he receive the report from Chief Armaganian.

MS. WIAN: I can speak to that. Rosemary Wiant, the Director of Administration for the Liquor Commission.

Following the last meeting, I -- it was a 2017 assessment that the Chief did. And I -- I must have been mistaken. I forwarded that to Representative Ober and then also to Chairman Weyler. I apologize, Senator. I misunderstood who requested that information; but we will send that to you immediately.

REP. OBER: That came to me as part of the budget stuff you were working on, not as a Fiscal item. So I didn't -- it wasn't recognizable specifically what Senator Giuda asked for.

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MR. MOLLICA: That's fair, Madam Chair. We'd be happy to send it along. We have it done and it has been sent out. We'll send it out again. We apologize, Senator Giuda, that it wasn't sent to you directly.

CHAIRMAN WEYLER: Any other comments reference the progress report on the return or the answers to the audit?

REP. UMBERGER: Representative Weyler, if I might?

CHAIRMAN WEYLER: Yes, Representative Umberger.

REP. UMBERGER: Yes. The -- hum -- this will be sent to all the Fiscal Committee Members, is that what I'm hearing? Because I want to make sure that we all have the same information from the Liquor Commission.

CHAIRMAN WEYLER: Yes, I will see to it.

REP. UMBERGER: Thank you.

MR. KANE: Yes, I will make sure that I'll receive a copy from Rosemary and I'll forward it to all the Members on Fiscal.

SEN. D'ALLESANDRO: Perfect.

CHAIRMAN WEYLER: Any other comments from the Committee?

SEN. D'ALLESANDRO: Moving in a positive direction and that's always nice to see. And kudos to the Commission for listening and working hard to take -- take steps to make things better. We're -- we're very happy to see that in state government when we see something and we have the opportunity to get it addressed and they address it. That's a real positive statement. And I like to see that as a Member of the Legislature so kudos to the Commission for their prompt attention and thank them for their good work.

MR. MOLLICA: Thank you very much, Senator.

CHAIRMAN WEYLER: Senator Giuda.

SEN. GIUDA: Thank you, Mr. Chairman. I think we had discussed something about the possible formation of an audit follow-up subcommittee. One of the problems we have and, of course, we're now having the heads of the agencies come before us for uncompleted remediation, but we need a way to verify that what is being done is actually being done. And so we had some discussion this morning with Mike Kane and about possibility of establishing a follow-up position within the LBA's performance audit to confirm completion of the items. It's been historical since I've been here, I'm starting my fifth year, that the audits routinely get thrown in a drawer. They're supposed to go back to the Committee with the oversight over the agency and they're supposed to review it and make it happen. That's not happening as a rule. Occasionally it does; but for the most part the audits are ignored. And I, you know, I consider this arguably the most important function we have in terms of government oversight by the Legislature and we need to follow-up on that.

So I would certainly be interested to make that a topic perhaps at the next agenda that we discuss this follow-up situation on these oversights, more than just having a Commissioner appear and explain. Thank you.

CHAIRMAN WEYLER: Thank you. Anyone else? I guess we do anticipate seeing the Liquor Commission back next month as we asked that they come back until we have everything completed. And the next report probably you could leave out the completed items and just refer to the completed items that show us the progress on the ones that you're still working on. And I'm delighted to see that's going to eliminate half the pages because you've really got into this very well and accomplished quite a few tasks. So congratulations, and we'll see what the progress is next month.

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MR. MOLLICA: Absolutely. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Thank you. All right. Anything further? All right. I guess we'll move on to the Department of Education. Thank you, the folks from Liquor. Thank you for your good work.

All right. Now we're moving on to the audit. I did get it last night, but it was too wide for me to print on my printer of the progress from the Department of Education on Vocational Rehab. Let's bring in the folks from Education.

REP. OBER: It's nice and colorful though.

REP. UMBERGER: Excuse me.

CHAIRMAN WEYLER: It is. Representative Umberger.

REP. UMBERGER: Thank you. Uh -- my question is are you going -- are we going to approve the management letters and the performance audit now or are we going to do that after we hear from Education?

MR. KANE: After Education. This is an update from Education on Voc Rehab. After this tab the audits come up, and then I think at that time you can make a motion to accept, release, and the standard.

REP. UMBERGER: Okay. That's fine. I'm sorry, I just didn't want us to miss that. Thank you.

CHAIRMAN WEYLER: Just sticking with the agenda. All right. Mr. Edelblut, good morning.

FRANK EDELBLUT, Commissioner, Department of Education: Good morning, everyone, and thank you for having me. So we did provide to you a matrix of where we are with regard to our response to our audit report, essentially tracking it by observation number, the activity associated with that. We have now made a commitment date within our organization in terms of

when we will complete the implementation of those recommendations, and we'll track ourselves against that completion date, whether or not we meet it or don't meet it and have assigned specific staff responsibility within the agency in terms of the implementation, and then are just tracking those whether it's in process, completed or not yet started.

Most of our items are in process at this point which I think is as I would have expected. There's one item that is not yet started that would involve and it does involve bringing together a number of our community partners who we work with. And so it's just a matter of finding a forum to be able to get them together to agree on some procedural things relative to vendor performance metrics that we want to make sure that we're tracking for them, and so this is the summary. You know, we didn't necessarily know what you were looking for so I apologize.

You know, Commissioner Mollica has provided you with a 30-something page report. We gave you a one-page summary of it. Tell me what you're looking for and I can provide the information that's most useful.

CHAIRMAN WEYLER: Comments from the Committee? We're looking for answers to each of the specific observations, which are many, and I think you showed us that when you were going to answer those observations, and what you had scheduled to do it. So that's -- that's basically what we're looking for. I can send you a copy of Liquor if you want to look at that as a guide. It had a little more detail.

MR. KANE: If I could, Representative? Sorry.

CHAIRMAN WEYLER: Go ahead, Mike.

MR. KANE: Mike Kane with the LBA. So I believe the audit subcommittee that was referred to earlier, obviously the House is very busy with the budget, but when that audit subcommittee

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does meet, I think one of the topics they will discuss is kind of standardized format as far as what would be best for the Committee to see. So I think until we have that standardized format, feel free to reach out to myself and I'll try to provide suggestions. But I think at some point when that audit committee does meet it will be a standardized format for agencies to report. So that will make it easy for the Commissioners and Chairmans to respond.

CHAIRMAN WEYLER: Very good.

REP. OBER: Mr. Chairman.

CHAIRMAN WEYLER: Representative Ober.

REP. OBER: I point out not just the House is very busy. LBA support has been tremendously busy.

CHAIRMAN WEYLER: Yes, they have. Good opportunity to compliment all the LBA staff have kept things running very smoothly for the House Finance Committee, and I know they'll do the same for the Senate. So I'd like to thank them all for their good work. I know you all agree with me.

MR. KANE: Thank you.

SEN. D'ALLESANDRO: Here, here.

CHAIRMAN WEYLER: All right. So any further comment on the answers to the audits?

REP. EMERICK: Mr. Chairman.

CHAIRMAN WEYLER: Representative Emerick.

REP. EMERICK: Yes, thank you. You appointed me chair of the subcommittee at our last meeting.

CHAIRMAN WEYLER: Correct.

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REP. EMERICK: I reached out to our Committee Members asking them to think what is our objective. I mean, I know we had a subcommittee but I wasn't real sure what we were supposed to do other than follow-up on the audit reports. I recommended public flogging, but I don't think it's allowed anymore. So I'm looking for input. I did receive information from one of the members, but I'll reach out again just to make sure 'cause it sounds like our role just expanded to include a follow-up format. So the subcommittee is going to be pretty busy eventually if we decide, well, give it to the subcommittee. We will stay in touch. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Thank you, Representative Emerick. And I guess I don't second that flogging. All right. Anything further on the returns on Voc Rehab part of Education audit? Any -- any -- anything you wish from us, Commissioner Edelblut?

MR. EDELBLUT: No, I'm all set. Thank you. And we look forward --

CHAIRMAN WEYLER: Any guidance? And I guess we're going to get that through the LBA. All right. Thank you all very much on the -- on the return on the audit. We'll next move to the audits and recognize probably Steve Smith.

MR. KANE: Yes. We'll just ask Steve to let us know who he'd like to join you for the Lottery.

STEPHEN SMITH, Director, Audit Division, Office of Legislative Budget Assistant: Sure. Good morning, Mr. Chairman, Members of the Committee. Good to see you.

CHAIRMAN WEYLER: Good morning.

MR. SMITH: Yeah. Our first -- well, I guess one question is going back to Representative Umberger's question whether the Committee wants to vote to accept all these before anyone needs to drop-off before we go into it?

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CHAIRMAN WEYLER: That would be an excellent suggestion. Someone would make a motion, probably Representative Umberger has the language to and we can apply it to all three audits. You probably want to read through them, accept the audits, place them on file, and release in the usual manner. That one. Representative Umberger. Unmute yourself. There you go.

****** REP. UMBERGER: Sorry. I will move that we accept reports from the Liquor Commission Management Letter for Fiscal Year ending June 30th, 2020, the Liquor Commission Management Letter for Fiscal Year ending June 30th, 2020, and the Sununu Youth Service Center Performance Audit of March 21, place on file, and release in the usual manner.

REP. OBER: Second.

CHAIRMAN WEYLER: You said Liquor twice. I think you meant one the Lottery, right?

REP. UMBERGER: Okay. If I did, I'm sorry. It's Lottery.

CHAIRMAN WEYLER: Okay. So corrected motion was for Lottery Commission Management Letter, Liquor Commission Management Letter, and Sununu Youth Service Center Performance Audit.

REP. OBER: Second.

CHAIRMAN WEYLER: And there's a motion and a second. I think the second was Representative Ober.

REP. OBER: Yes.

CHAIRMAN WEYLER: Any further discussion on that? We will shortly go into the details of the audits. The Clerk will call the roll on accepting and placing on file and release in the usual manner.

REP. UMBERGER: Representative Ober.

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REP. OBER: Yes.

REP. UMBERGER: Representative Emerick.

REP. EMERICK: Yes.

REP. UMBERGER: Representative Leishman.

REP. LEISHMAN: Yes.

REP. UMBERGER: Representative Umberger. Yes. Senator Daniels.

SEN. DANIELS: Yes.

REP. UMBERGER: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. UMBERGER: Senator Giuda.

SEN. GIUDA: Yes.

REP. UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. UMBERGER: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. UMBERGER: Representative Weyler.

CHAIRMAN WEYLER: Yes.

REP. UMBERGER: The vote is ten in favor, zero opposed.

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CHAIRMAN WEYLER: The motion is adopted. Thank you. We'll now recognize Stephen Smith.

AUDITS:

MR. SMITH: Thank you again. So the first -- first report is the Lottery Commission Management Letter. The Manager on the Lottery Audit from our office was Kim Bisson. So she'll present it. And I also see with us is Director McIntyre, as well as Jim Duris, the CFO who will be -- may have some comments or be available for questions for you. So, Kim, you can go ahead. You're muted, by the way.

KIMBERLY BISSON, Audit Manager, Audit Division, Office of Legislative Budget Assistant: Sorry. I didn't know I was supposed to unmute myself. So good morning, Chairman Weyler, Members of the Committee. Again, for the record, my name is Kimberly Bisson. I am here today to present the Management Letter which is a byproduct of our audit of the Lottery's Fiscal Year 2020 financial statements which were previously presented to the Committee at the January 15th meeting.

If you turn to the Table of Contents, you will see that the report includes three internal control comments and one state compliance comment. The Lottery concurred with all four comments and then suggest that legislative action is required.

The Observations begin on Page 3. Observation No. 1 recommends the Lottery continue the development of its Division of Sports Wagering to ensure compliance with statute and administrative rule, and further recommends the development of formal policies and procedures for the major activities of the division.

Observation No. 2 on Page 4 recommends the Lottery include in its contract with the sports betting vendor a requirement for the annual provision of a service organization control report, commonly known as a SOC 1 Type II, over the effectiveness of controls performed by the vendor. The Lottery should also

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implement policies and procedures to review and assess the risk of outsourced services, including when to require SOC 1 Type II reports be written into future contracts.

Moving on to Page 5. Observation No. 3 recommends the Lottery to continue in its effort to procure a new building access control system, and strengthen its processes for monitoring employee access to the draw room.

The state compliance comment is located on Page 7 and recommends that members of the Lottery's administratively attached Council on Responsible Gambling file timely statements of financial interests as required by statute. You will also note that the Council also agreed with this comment.

The Appendix located behind the tab on Page 10 reports the current status as of December 22nd, 2020, of Observations contained in the Fiscal Years 2019 and 2018 Lottery Commission Management Letters. As noted at the bottom of Page 11, six comments were fully resolved and two comments were in the process of remediation.

Page 12 reports the current status of -- status of Fiscal Year 2019 comments resulting from the work of an IT specialist engaged to perform a review of Lottery's IT systems. As noted at the bottom of the page, three were in the process of remediation and one remains unresolved.

This concludes my presentation. I would like to thank the Lottery's Executive Director and Lottery staff for their assistance and cooperation during the audit. With your permission, I would now like to turn the presentation over to Executive Director McIntyre. Thank you.

CHAIRMAN WEYLER: Thank you. Welcome, Director McIntyre.

CHARLES MCINTYRE, Executive Director, New Hampshire Lottery Commission: Good morning, Mr. Chair, Members of the Committee. I'm Charlie McIntyre, Director of the New Hampshire Lottery.

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With me today is our Chief Operating Officer, Lynda Plante, as well as our Chief Financial Officer, Jim Duris. I want to start by thanking the folks at LBA Audit Division. This was, as you can imagine, not very easy to do, you know, in the midst of a pandemic, but certainly they managed to do it and do it well. And so I thank them for their efforts and really happy to answer any questions the Committee may have.

CHAIRMAN WEYLER: Any questions for the Director? Seeing none. My congratulations on --

SEN. ROSENWALD: I did have one question.

CHAIRMAN WEYLER: Oh, Senator Rosenwald has a question. Sorry.

SEN. ROSENWALD: Thank you, Mr. Chairman. Thank you, Director McIntyre. Observation No. 3, the control the draw room. This seems like I've seen this before as a finding with the Lottery Commission. And it could be any time within the last ten years when I started going on Fiscal. I see that you plan to get this work done this spring finally. Will you be able to confirm with this Committee that that work gets done and there is control over access?

MR. MCINTYRE: Of course. As you can imagine, two things got in the way. One was the pandemic for the last year or so. We've been -- it's been a difficult time getting vendors in. But, also, we bought the building now. And so previously when we were at the end of our lease it would have been difficult to sort of update the draw room equipment if we were leaving. So now we own the building we'll do that and we will update the Committee when it's finished.

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

CHAIRMAN WEYLER: Thank you, Senator. Any further comments or questions from the Committee? Seeing none. Director McIntyre, Miss Bisson, thank you very much for your good work.

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MR. MCINTYRE: Thank you. Have a record year, Mr. Chairman.

CHAIRMAN WEYLER: You're doing well for us. Thank you. All right. Back to Mr. Smith for the next Management Letter or audit.

MR. SMITH: Thank you, Mr. Chairman. So moving on to next Management Letter was for the Liquor Commission for Fiscal Year 20. And the manager on that audit engagement was Jim LaRiviere from our office. And I believe Chairman Mollica and his staff are -- are available, too, for questions. So, with that, I'll have Jim take over. And you're muted, Jim.

JAMES LARIVIERE, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant: Can you hear me now?

SEN. D'ALLESANDRO: Yes.

MR. LARIVIERE: Okay. Sorry about that. Good morning, Mr. Chairman, and Members of the Committee. Again, for the record, my name is Jim LaRiviere. I present the Management Letter, a byproduct of our audit of the Liquor Commission's Fiscal Year 2020 Financial Statements. It was previously presented to the Committee at the January 15th meeting.

If you turn to the Table of Contents, you will see that the report includes six internal control comments, the first being a material weakness. The Commission concurs with each of the comments and no comments suggests legislative action is required.

The Observations begin on Page 3. Observation No. 1 is mentioned as identified as a material weakness resulting from the Commission's reliance on the performance of one individual for its core financial accounting and reporting resources. It recommends the Commission establish a financial accounting and reporting structure committed to recruiting, developing, and retaining competent senior level financial management.

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We continue to recommend the establishment of a senior level unclassified position, such as a Director of Finance, responsible for heading the Commission's financial accounting and reporting activities. The Commission should also continue in its efforts to establish written policies and procedures for all significant financial and accounting reporting activities and develop a routine process that facilitates the annual compilation of its financial statements.

Observation No. 2 on Page 5 recommends the Commission seek additional expert level staffing resources to fulfill its immediate and future information technology needs, including the development, deployment and maintenance of its NextGen Information Technology System to ensure a smooth transition from its Legacy System. Staff resources should have the appropriate qualifications and experience to reduce the risk of further business interruptions.

Observation No. 3 on the following page recommends the Commission re-establish a formal risk assessment process for recognizing, evaluating, and responding to risks that could affect the Commission's ability to achieve its financial accounting and reporting objectives. The risk assessment process should include an information technology security component to ensure the Commission's systems are adequately protected. Risks identified should be analyzed to determine whether current internal controls mitigate risk to a level desired by management or whether further actions are required.

Observation No. 4 on Page 7 identifies the need for the Commission to evaluate its capitalized software in progress for impairments in accordance with Governmental Accounting Standards Board, Statement Number 42, and recommends the Commission coordinate with its new ERP vendor to help determine what capitalized assets continue to have service utility. A formal evaluation should be completed to support the assessment for the reduction in carrying values of those assets determined to be impaired.

Observation No. 5 on the next page recommends the Commission continue to develop policies and procedures for the performance of complete and accurate monthly reconciliations of all applicable Mapper activity to NHFirst and that those reconciliations be reviewed and approved by Management.

Observation No. 6, the final Observation on Page 9, identifies the Commissioner's lack of specific procedures to perform a thorough review of expenditures for items that should be capitalized which lead to a fourth hundred thousand dollar error not being detected. The Commission should strengthen procedures to ensure that all charges, including bills that are incurred in the Liquor Fund, are appropriately reviewed to identify capital assets.

The Appendix located behind the tab on Page 10 reports the current status as of December 18th, 2020, on Observations contained in the Fiscal Year 2019 and Fiscal Year 2018 Liquor Commission Management Letters. As noted at the bottom of Page 12, six comments were fully resolved and 12 comments were in the process of remediation.

This concludes my presentation. I'd like to thank Chairman Mollica and the Liquor Commission staff for their assistance and cooperation throughout the audit. And with your permission, Mr. Chairman, I would now like to turn the presentation over to the Liquor Commission's Chairman, Chairman Mollica.

CHAIRMAN WEYLER: Hello, again, Chairman Mollica.

MR. MOLLICA: Chairman Weyler, thank you very much, Members of the Committee. For the record, I'm Joseph Mollica. I'm Chairman of the New Hampshire Liquor Commission. With me is our COO Rose Wiant, and our CFO, Tina Demers. We'd like to thank the LBA for the audit. We appreciate their guidance. It's always well-received, especially Jim Lariviere, Jean Mitchell, and their team. And we'd also like to thank Stephen Smith for his oversight of everything that has been done.

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Over the years you've seen these audits at the Liquor Commission go for many, many Observations, many crucial Observations, down to next to nothing. And we are feeling very confident, have hired a new comptroller as was recommended in Observation 1, and we'd be happy to answer any questions from the Committee. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Thank you, Commissioner. Questions from the Committee? Seeing none. I'm delighted you're stabilizing your financial staff. I guess that's been a problem for a while.

MR. MOLLICA: It's very difficult to hire someone into that position because people on the outside, Mr. Chairman, are paid in excess of what the State is able to provide. And it's difficult to hire someone at that level. We've been very lucky to find the individual that we found who is a CPA and has a number of years in forensic -- forensic accounting. So he'll be able to help us tremendously. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Congratulations! Anything more from the Committee? Okay. Then Commissioner we've accepted the report, placed it on file, and released it in the usual manner. Congratulations for your progress.

MR. MOLLICA: Thank you, Mr. Chairman. Thank you, Members of the Committee.

CHAIRMAN WEYLER: Okay. Back to Mr. Smith. Oh, there's Jim. I didn't see his picture before.

MR. LARIVIERE: Sorry.

CHAIRMAN WEYLER: Good to see you.

MR. LARIVIERE: Good to see you as well. Thank you.

MR. SMITH: Okay. Thank you, Mr. Chairman. Our last audit report this morning is a performance audit that we conducted at

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the Sununu Youth Services Center. The Manager is John Clinch, will be presenting that. And, also, I believe joining us from the Center is Joe Ribsam, the Director, and there may be a few other folks joining him as well. So, John, take it away.

JOHN CLINCH, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant: Thank you, Steve. Good morning, Mr. Chairman, and Members of the Committee. My name is John Clinch, and I was the auditor in charge for the Sununu Youth Services Center Performance Audit. The objective of our audit was to determine how the Sununu Youth Services Center adjusted its operations in response to the requirements of Chapter 156, Laws of 2017. Our audit period was State Fiscal Years 2018 through 2020. Our Executive Summary starts on Page 1.

Chapter 156 introduced significant changes affecting the juvenile justice system as a whole and specifically the Center's population and operations. The overarching goals of the changes were to ensure only the most serious offenders were committed to the Center, reducing both the number of juveniles placed and the time juveniles spent there, which appears to have been accomplished. We found the population of the Center was much smaller and juveniles had a shorter length of stay than prior to Chapter 156.

Our review of juvenile cases showed the Center provided assessments, mental health services, and behavioral treatment programming, both before and after the implementation of Chapter 156. We found the Center used evidence-based practices, but none of the four treatment programs were evidence-based specifically for juveniles. Because the programs were not evidence-based they had not been proven effective by research.

We found that statutes governing the Juvenile Parole Board conflicted with parole requirements introduced by Chapter 156, which specifically amended other statutes but not that of the Juvenile Parole Board. The Juvenile Parole Board interpreted Chapter 156 as limiting the factors to consider in granting parole to the length of time served, unless the juvenile was

considered dangerous. This meant factors, such as participation in Center programming or progress towards treatment goals, had no bearing on whether a juvenile was released from the Center. Consequently, it was reported there was no incentive for juveniles to engage in treatment creating a mentality among the juveniles that they just needed to do their time.

Our recommendation summary starts on Page 3. Our report has ten Observations and the Center fully concurred with all recommendations. Observations 1, 5, and 7 may require legislative action. Our background section begins on Page 5 and contains a brief description of the juvenile justice system in New Hampshire and changes made by Chapter 156. It then discusses the assessments and services provided by the Center, including its therapeutic programs, the role of the Juvenile Parole Board, and recidivism.

Table 3 on Page 12 shows recidivism between 2016 and 2019. Table 3 shows 68.3% of juveniles released during Calendar Year 2016 return to the Center within one year. Compared to recidivism in 2019, the recidivism rate remained virtually unchanged at approximately 67% in the first year. Our description of the Center's organization staffing is found on Pages 17 and 18. Table 10 on Page 21 shows the expenditures, average daily census, and cost per juvenile from State Fiscal Year 2017 through 2020. It shows as the population decreased, the average cost per juvenile increased.

The next section containing our Observations related to treatment begin on Page 23. In Observation No. 1 we recommend re-evaluating the criteria for release from the Center. As noted earlier, we found the release criteria does not consider the participation or completion of a treatment program, only the passage of time and dangerousness. We suggest the Legislature consider harmonizing statutes to eliminate contradictions in RSA 170-H, RSA 621, and Chapter 156. We also suggest the Legislature consider broadening the Juvenile Parole Board's consideration of other factors in their release decision.

In Observation No. 2 on Page 27, as noted earlier we found the treatment programs provided by the Center used evidence-based practices, but the programs themselves had not been proven effective. We also found the treatment programs were provided primarily by youth counselors. Some youth counselors reported not having the knowledge or training needed to provide these services. The Center was reviewing its clinical programming at the time of our audit. We recommend the Center continue reviewing its clinical programming and ensure evidence-based programming is selected.

In Observation No. 3 on Page 28, we recommend replacing the mental health assessment form and replace it with an evidence-based assessment that is supported by research establishing its reliability and validity for use in a juvenile correction setting.

In Observation No. 4 on Page 30, we recommend the Center clarify policies related to individual therapy and family counseling and clarify which services satisfy the provision for individual therapy and family counseling.

Turning to the administration chapter on Page 39, Observation No. 5 discussed the need for the Center to have its own strategic plan. We recommend Center management engage in strategic planning process, define its objectives, and to detail how those objectives will be achieved and measured. The Department of Health and Human Services and the Center may wish to work with stakeholders and the Legislature to clarify its mission and purpose.

Observation No. 6 begins on Page 40 and discussed the need for the Center to have a performance measurement system. We recommend the Center choose performance measures that can be used to determine the organization's achievement of its goals and objectives.

Observation No. 7 begins on Page 44. We recommend Center management conduct a formal review of its organizational structure and span of control.

In Observation No. 8 on Page 47, we recommend the Center conduct a staffing analysis and develop, document, and implement a staffing plan.

In Observation No. 9 on Page 48, we recommend the Center consider the need for a structured strategic workforce plan to include retention programs with quantifiable goals and objectives as part of its strategic planning process. We further recommend Management determine the reason staff leave the Center and design tools to meet retention goals and objectives.

Finally, Observation No. 10 on Page 50 recommended the Center update its parent and youth handbook to reflect current services and institute procedures to continuously keep it up-to-date.

The appendices are found in the tab sections of the report and include our scope objectives and methodology. The Division for Children, Youth, and Families' response to our audit, staff surveys, and there was only one prior finding related to this audit, a finding from 2013 that was resolved.

I'd like to thank the Division for Children, Youth, and Families and the Sununu Youth Center for their assistance during the audit. This concludes my prepared remarks. With your permission, I believe Director Ribsam is present and would like to make a few comments. Thank you.

JOSEPH RIBSAM, Director, Division of Children, Youth and Families, Department of Health and Human Services: Good morning, Members of the Committee. My name is Joe Ribsam, Director of DCYF. I'm alone in my office in Concord. I'm joined today by Rhonda Chasse who is the Director of Operations at the Sununu Youth Services Center. Just like to start by thanking Mr. Clinch, Mr. Smith, and the rest of the LBA staff who worked on

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this. I think they put together a product which really helps us think through how to move the Sununu Youth Services Center forward. And, with that, I'd be happy to take any questions that folks have.

SEN. D'ALLESANDRO: Mr. Chairman.

REP. UMBERGER: Representative Weyler, you're on mute. And I believe that Representative Rosenwald was the first one with her hand up.

CHAIRMAN WEYLER: Okay. Sorry about that mute. Didn't realize that. Senator Rosenwald, you're recognized for questions.

SEN. ROSENWALD: Thank you, Mr. Chairman. And good morning, Director Ribsam. I have two questions. The first one is I see that the SYSC has not been using an evidence-based mental health assessment and -- hum -- wondering are they not available or is there some other reason? And then I have another question.

MR. RIBSAM: Yeah. As is articulated in the audit response, there are a number of evidence-based tools that are used for mental health diagnosis purposes. The overall screening form that's used is not an evidence-based tool. It's really more of a tool that's designed to gather information so that when staff then make further decisions about treatment plans, they have all that information in one place. That being said, we did for the first time in, as far as I know, the facility's history we're able to bring on a full-time psychologist. She started last March, unfortunately, right as the COVID epidemic hit the facility and caused us to really try to figure out how daily operations were going to work. But the main purpose of bringing that person on was to work with us to redesign the treatment modalities throughout the entire facility, including these things.

She has recommended, as is laid out in the audit response, an evidence-based screening tool that we would like to employ.

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There are fiscal implications around all of those recommendations. They're not, in my assessment, they're not incredibly expensive, but there are, of course, costs of employing those tools.

SEN. ROSENWALD: Great. And my second question has to do with the positions on Page 18. At the time this audit was done, the census I think was 16 committed and detained youth. Right now the last time I saw a Dashboard it was something like nine. So I'm wondering if the 37 youth counselors that you still need the same number of positions for half of the children?

MR. RIBSAM: Yeah. So I think the number nine is probably a misleading number. It must have been a point in time. I don't know if -- if Director Chasse knows what today's census is. But the average daily census in 2019 which State Fiscal 2019 which is reflected in this audit report is about 17 at a time. And the census can vary dramatically day-to-day. You might be at one day we were at single digits and then the next day be in the high teens. So that does make staffing incredibly complex.

The other thing that really makes staffing complex is that, unfortunately, given the acuity of the youth in the program, we can't really think in terms of how many youth in total and then work back from that in order to figure out your staffing? You have to think about how many separate units need to be operated at a time. 'Cause every unit requires staffing. So an example of this we always have to operate two primary boys' units because we have clinical distinctions between the two populations that require separation. And we also often have Court restrictions between those populations that prevent us from having those viewed in the same residential hall. They may be involved in gang activity together outside of the facility and the Court wants them separated. They may have some other type of issues between themselves and the Court wants them separated.

If there are girls in the facility, which I believe there are today, that requires a separate unit as well. So now you're up to three units. It is not uncommon during ordinary times to

have one or two youth who are in some type of crisis and required to be put into Crisis Stabilization Unit that requires separate staffing outside of the rest of the program.

In addition, during COVID we've seen a need to when all youth come in do testing and get a result, and during that period they're in isolation which requires additional staffing. And then after they get their test result they then stay in a quarantine unit for an additional, you know, up to I think ten days at this point. And that unit requires staffing as well. So even when you only have a handful of youth in the facility, you could end up having to run what's effectively six separate units.

And then, unfortunately, given the acuity of some of these youth, a number of them also would require one-to-one supervision through the day. So while they're going through school, they need a youth counselor assigned specifically to them, which can also increase staffing. And if we have any issues which do occur, unfortunately, at times where youth needs to go out for medical treatment or even if they need to go out for something that's positive that requires staffing as well.

So I think the real challenge is given the smaller census and the acuity of the youth in the program, we're in this place where we have to operate multiple units even when you're running with less youth. And if you had, you know, as you're used to, not that I'm advocating to have 60 youth in the building, but when you had 60 youth in the building that all kind of came out in the wash and it seemed to make more sense to folks. And today that you have, you know, 17 youth in the building you end up with very small discrete units and very small needs for individualized supervision.

CHAIRMAN WEYLER: Anything further, Senator Rosenwald?

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: Okay. Senator D'Allesandro and then Senator Giuda.

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SEN. D'ALLESANDRO: Thank you very much, Mr. Chairman. And thank you, Mr. Ribsam. Just wanted to focus in on Observation No. 9 and making efforts to minimize staff turnover, and the fact that the staff reported high levels of stress and lower levels of job satisfaction. I mean, hard to run a shop when you got a stressful group that isn't satisfied with what they're doing and the turnover rate.

The last time I checked with the Commissioner of HHS we had -- we had six -- I think 765 vacancies at Health and Human Services. Is that a problem with you also that relates to Observation 9?

MR. RIBSAM: Yeah. We do have a number of vacancies within SYSC particularly amongst the youth counselor population, which results in folks having to work quite a bit of overtime, which I think does increase the stress. We've not been prohibited from filling those positions, but they're very hard positions to fill. I don't know that the salaries are particularly competitive with the rest of the, you know, the rest of what the market would offer in other settings. And given all of the negative attention, unfortunately, the facility has received, it's difficult for people to want to work there. I think that's one of the really tough things that we need to wrestle with as we -- as this conversation continues about the future of SYSC is that, you know, when we have conversations that I think sometimes unfairly target the staffing and the folks who do the work there about the quality of the work that they do, that really has an awful impact on their morale and their job satisfaction.

Again, not that problems don't need to be resolved and not that these other, you know, historical challenges that are being discussed in the world don't need to be resolved; but I think it often conflates with the folks who are currently in the facility who are, you know, doing great work on a daily basis.

SEN. D'ALLESANDRO: Sure, sure, appreciate that. One last question. Joe, you got a huge facility there with a base operating cost that's fairly substantial. I mean, are there any -- are there any thoughts about how we could utilize this facility? You've got this huge facility that's tremendously underutilized and you've got a series of mothball buildings there that we -- we maintain, you know, year, after year, after year. And when I look at the numbers we're spending, you know, in the millions to maintain all of these facilities. Who's going to make a decision as to what we do going forward? This is waste, in my opinion, wasted money, and it's got to be addressed. We rent all this outside space, and yet we have all of this space that's under mothball and I -- there are what, how many buildings at the Sununu -- at the site, 'cause it isn't the Center. That's very, very costly as we move forward. And everyone wants to contain costs because we want to spend the money properly; but what's going on as far as that's concerned?

MR. RIBSAM: Well, and so we -- we've been having a lot of this conversation during the Division III budget hearings as well. I think there's a consensus even shared by us that -- that 144 bed building for what we predict is going to be the future of the census of youth in that building, you know, doesn't make a lot of sense and it's -- it's, you know, we need to have a serious conversation about what's next for providing care for youth who require a secure setting.

I think what's much more complicated is the question you're raising about what to do with that building and the rest of those lands when we're done, and I don't really feel qualified to answer that question. But I do think it's high time, you know, from my perspective that we think about, you know, what's -- what's next in terms of the actual facility for young people who require secure placement.

SEN. D'ALLESANDRO: Thank you. Thank you, Mr. Chairman. Thank you very much, Joe, and I commend you on the good work that you're doing, and I know the challenges are great; but

we've got to address them. I mean, it's just the way it is. We have got to get some things done. So thank you.

MR. RIBSAM: Thank you, Senator.

CHAIRMAN WEYLER: Senator Giuda for a question.

SEN. GIUDA: Thank you. Mr. Chairman. Joe, I note the coloration of your hair is changing.

MR. RIBSAM: Since I moved to New Hampshire?

SEN. GIUDA: Might have something to do with the stress. I'd like you to articulate more clearly, because what I think I heard was that the facility we're working out of isn't the one we should have our kids in. It's too big. The inefficiencies of the way the structures are laid out cause you to have personnel that you wouldn't ordinarily have to hire to cover, again, spaces and security. Can you speak a little bit to that?

MR. RIBSAM: Yeah. No, as I said, and I don't have -- I don't have an exact recommendation of what should come next. I think that's a conversation that needs to include more people than just myself. But yes. You know, a lot of the -- a number of the costs associated with operating SYSC are actually costs of maintaining the campus, costs of, you know, the facilities based there. Some of the costs are also from me to have staffing set up in a way that you might not need if your building was structured differently. I think both of those things combined do contribute to the costs. And I think, as I said, it's -- it's good for folks to really seriously consider what comes next.

I think the question of, you know, what that looks like, where it is, how many kids are questions that we still need to wrestle with, and I don't want to, you know, say myself what I think that should be because I think it's a decision that requires input from more people than just me. But yeah, there are certainly -- there are certainly challenges that operating a building that large present that -- and a campus that large. I

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mean, that's also something that can't be forgotten is that the, you know, part of the costs have to do with securing the entire campus, maintaining and cleaning the entire campus, even though most of the buildings are unused. Even the other building, the main building that is used or the administrative building there is barely used. It's mostly empty. And, you know, and there's storage facility and things like that. But there's just, you know, there's not much used on that campus as a whole. And most of the buildings are probably -- would probably if there's an idea to try to rehabilitate them to use them, would probably be quite costly to rehabilitate them to actually get them to be useable again. So it's a tough position that we're in in terms of what to do with the current campus.

SEN. GIUDA: Thank you.

CHAIRMAN WEYLER: Further questions from the Committee? All right. You can be certain that Division III will keep mulling over what to do at the Sununu Center. And we thank you for -- Mr. Clinch for the report and Mr. Ribsam for your work on answering it. So we will expect to have answers each month in the way we've established a process to see what the progress is on the findings as you move toward them so we can get some report on what the progress is, and we'll expect that every month until they're all resolved. Thank you very much.

MR. CLINCH: Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Thank you, Mr. Clinch. Thank you, Director. Anything further?

MR. KANE: Sure, Mr. Chairman, if I may? I'd just like to take the opportunity to inform the Committee that one of our employees, a long-term employee, is retiring. I'm going to have Mickey move over Ceil Trask to the panelist.

CHAIRMAN WEYLER: Very good.

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MR. KANE: Ceil's been with our office for, I think, since 2005, and is one of the kindest, most dedicated and talented employee that I've had the pleasure to work with over my years here. We're going to miss her terribly, but at the same time we're extremely happy for Ceil. She's worked hard and long for many decades with the Judicial Branch and the Legislative Branch, and she deserves everything that's coming with her. And her family deserves to spend this time with her as well. So I just wanted to say thank you and notify the Committee that Ceil will be retiring at the end of the month.

SEN. D'ALLESANDRO: Kudos to Ceil.

CHAIRMAN WEYLER: Are we going to see a picture of her?

REP. OBER: Mr. Hoffman, we thought we were her family, spent so much time with her.

MR. KANE: There's Ceil.

REP. OBER: Hi, Ceil!

CECELIA TRASK, Court Reporter, Office of Legislative Budget Assistant: Hi! Hello, everyone!

CHAIRMAN WEYLER: Let's have a hand for Ceil.

SEN. D'ALLESANDRO: Congratulations, Ceil!

MS. TRASK: Thank you. Guys, can I say something, please? Hum -- I just want to thank you all. Hum -- working has been really a privilege. I'm gonna cry. And I have over 30 years, but I've actually been reporting almost 48½. So I want to thank Mike for his great leadership in the LBA and all the people that I've worked with. And, Pam, I'm going to miss her birthday treats. Hum -- so I just thank you. It's really been a privilege and may God bless you all. Thank you.

SEN. D'ALLESANDRO: Thank you, Ceil.

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REP. UMBERGER: Thank you, Ceil.

REP. OBER: We're going to miss you.

CHAIRMAN WEYLER: I've always admired --

SEN. D'ALLESANDRO: Kudos to Ceil.

CHAIRMAN WEYLER: Yes. You've never asked for a break. You never asked for help. You've gone for hours and hours. I'm always impressed how you can keep it up and never miss a word. You're remarkable.

SEN. D'ALLESANDRO: She's great.

MS. TRASK: Thank you very much.

CHAIRMAN WEYLER: All right.

MR. KANE: Thanks, Ceil.

CHAIRMAN WEYLER: All right. Everybody wants to say good-bye and wish you well.

MS. TRASK: Thank you.

SEN. GIUDA: Godspeed!

SEN. D'ALLESANDRO: Yes.

MR. KANE: The date of the next meeting, Mr. Chair, as the last item.

CHAIRMAN WEYLER: All right. We picked a date, 16th of April, was it?

MR. KANE: Yes, yes.

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CHAIRMAN WEYLER: All right. 16th of April for our next meeting, third Friday in April, and we'll probably have a few items. The House Members expect to be done with the budget by then, and we know the Senate shall be in the thick of it. You have our sympathy. We will do our best. I think there's a meeting today where I expect an update on revenue which will be a relief from what we started off with a few months ago.

So appreciate you all being here and I'm always impressed that we have usually 100% attendance. And I forgot to wish my friend Regina a happy birthday a couple days ago. So happy birthday, Regina.

SEN. BIRDSELL: Thank you.

CHAIRMAN WEYLER: And I'll see you all tomorrow or next week or next month. Good luck to you all and stay well. At least we're finally getting warm weather.

SEN. GIUDA: Hey, Ken, can you give me a buzz when you get done?

CHAIRMAN WEYLER: I will.

SEN. GIUDA: Thanks.

CHAIRMAN WEYLER: I finally started going over my old phone calls that I hadn't returned, found it from you. So I said I'm going to call right away after this.

SEN. BIRDSELL: I actually have one in for you, too, Ken.

CHAIRMAN WEYLER: Yes, you do. I'll be returning some calls.

SEN. BIRDSELL: All right.

CHAIRMAN WEYLER: Are you all going into committees now or are you going to be available for the next couple hours?

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SEN. GIUDA: Available.

SEN. BIRDSELL: I'm heading into work.

CHAIRMAN WEYLER: All right. I'll call you later on.

SEN. BIRDSELL: Okay.

CHAIRMAN WEYLER: Thank you. See you all later.

SEN. D'ALLESANDRO: Right.

CHAIRMAN WEYLER: Bye-bye.

REP. UMBERGER: Good-bye.

** SEN. D'ALLESANDRO: Move to adjourn.

MR. KANE: Adjourn.

CHAIRMAN WEYLER: Move to adjourn.

SEN. BIRDSELL: Second.

CHAIRMAN WEYLER: We already agreed we don't need to do a roll call.

MR. KANE: Correct.

SEN. D'ALLESANDRO: See you, guys.

CHAIRMAN WEYLER: Take it easy.

MR. KANE: Take care.

(The meeting adjourned at 11:24 a.m.)

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C E R T I F I C A T I O N

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcription from my shorthand notes and the audio recording from a Zoom Remote Public Hearing of the Joint Legislative Fiscal Committee on March 19, 2021, to the best of my ability, skill, knowledge and judgment.

Cecelia A. Trask, LSR, RMR, CRR
State of New Hampshire-LSR #47

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