

JOINT LEGISLATIVE FISCAL COMMITTEE

Legislative Office Building, Rooms 210-211

Concord, NH

Friday, December 17, 2021

MEMBERS PRESENT:

Representative Karen Umberger, Chair

Representative Tracy Emerick

Representative Jess Edwards

Representative Keith Erf

Representative Peter Leishman

Representative Bob Lynn (Alt.)

Representative Joseph Pitre (Alt.)

Senator Gary Daniels

Senate President Chuck Morse

Senator Bob Giuda

Senator Lou D'Allesandro

Senator Cindy Rosenwald

(1) Acceptance of Minutes for the meetings of:

a. November 19, 2021

b. December 2, 2021

KAREN UMBERGER, State Representative, Carroll County, District #02 and Chairwoman: Okay. I'd like to call the Fiscal Committee meeting to order. Our first order of business is the acceptance of the minutes of November 19, 2021. Are there any changes, corrections, additions?

Seeing none. All those in favor of accept -- oh, I'm sorry. I need a motion. Thank you. Senator Daniels moves to accept. Do I have a -- Senator Giuda seconds. All in favor? Please say aye. Thank you. It's unanimous. Appreciate it.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: And on our December 2nd Special Meeting, are there any updates, changes? Yes.

BOB GIUDA, State Senator, Senate District #02: I do have one here. Let me find it. Relative to my remarks.

CHAIRWOMAN UMBERGER: Please turn your microphone on.

SEN. GIUDA: It's on.

CHAIRWOMAN UMBERGER: Okay, but it's not close enough to hear.

SEN. GIUDA: Page 2 near the bottom. Senator Giuda commented he voted against the first item as it was geared towards prevention and would support this measure if it was for treatment.

CHAIRWOMAN UMBERGER: So you want to change is to was?

SEN. GIUDA: No, I want to change as it is to if it was.

CHAIRWOMAN UMBERGER: Oh, okay. Okay. Thank you. Are there any other comments on the minutes from December 2nd? Seeing none. Could I have a motion to accept the minutes of December 2nd, as amended?

****** GARY DANIELS, State Senator, Senate District #11: So moved as amended.

CHAIRWOMAN UMBERGER: Thank you, Senator Daniels. Second by Senator Giuda. All those in favor, please say yes? Okay. So we have one, two, three, four, five, six, seven, eight, nine in favor and one abstention.

***** {MOTION ADOPTED}**

JESS EDWARDS, State Representative, Rockingham County, District #04: So, Madam Chair, I have a question on procedure, and it's relative to what I'm seeing in the minutes. I asked a question on Page 2 and the Commissioner provided an answer, a good answer. And so is it our practice if we do get answers to have the answers reflected in the minutes as well?

MICHAEL KANE, Legislative Budget Assistant, Office of Legislative Budget Assistant: Not for -- sorry. If I could just --

CHAIRWOMAN UMBERGER: If you would.

MR. KANE: Sure. For the record, Mike Kane, from the LBA Office. Not in the minutes. It will be in the transcript when that's final. Any answers that the Commissioner provides, any answers to any questions that the Commissioner provides will be in a transcript, a verbatim transcript that we'll post to our website. But as far as the minutes it's a summary, high level.

REP. EDWARDS: Okay. Thank you for the education.

MR. KANE: Sure.

(2) Old Business:

CHAIRWOMAN UMBERGER: Okay. Next we have Tab 2, which we had tabled at our 11/19 meeting. Could I have a motion to take FIS 21-317 --

****** TRACY EMERICK, State Representative, Rockingham County, District #21: So moved.

CHAIRWOMAN UMBERGER: -- 357 off the table.

PETER LEISHMAN, State Representative, Hillsborough County, District #24: Second.

CHAIRWOMAN UMBERGER: Thank you. Representative Emerick made the motion. Representative Leishman seconded. All those in favor?

SEN. GIUDA: May we have some discussion on this?

CHAIRWOMAN UMBERGER: We got to take -- we have to take it off the table before we can have discussion. Okay. So all those in favor of taking FIS 21-357 off the table, please say aye? Opposed?

REP. EDWARDS: No.

CHAIRWOMAN UMBERGER: The vote is nine in favor and one opposed.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: Commissioner Caswell. Senator Giuda, you indicated you had some questions.

SEN. GIUDA: I think this is a well-intended item. I can't support it, and the questions are this. What do you explain to the hundreds of thousands of students who are paying their loans off, both past and current, as we offer an incentive to pay a debt which is incurred knowingly and willfully by an individual? I don't care if it's to help promote jobs. Everybody in the state and in the country's looking to help promote jobs. But it's patently unfair to expect those who are paying a bill to do so while we provide incentives to others, regardless of their financial means, okay, to not have to pay a debt that was lawfully incurred. That would be my question.

TAYLOR CASWELL, Commissioner, Department of Business and Economic Affairs: And your question -- I'm sorry, Senator, what specifically was the question?

SEN. GIUDA: How do we justify paying the debt which is future debt to be paid out of an income supposedly gotten from a job they're going to get for getting this education? How do we explain that to the tens of thousands of our kids that are paying the debt or their parents that are paying the debt? Thank you.

MR. CASWELL: Sorry.

CHAIRWOMAN UMBERGER: Okay. Thank you.

MR. CASWELL: Well, I -- I have no answer for you on the fairness question. I think what we're trying to do here is create a program that addresses a need within our state right

now for workforce, and particularly a workforce that maybe has had some recent training. We could take all of the people who are currently now working in New Hampshire right now and assign them to jobs that are -- that are available in New Hampshire and we would still be short.

So this is one attempt that we have made to create an opportunity for people to decide to come to New Hampshire and take a job in New Hampshire and work for our employers. The program is designed primarily for that purpose. I understand that there's no way that this can be done in a way that, you know, adapts to everybody's incurred debt around student debt and that's a much larger issue than we're trying to solve with this program I guess would be my answer, Senator.

CHAIRWOMAN UMBERGER: Follow-up.

SEN. GIUDA: Yes, thank you, Madam Chair. So my next question is traditionally is it not the role of the employer to provide incentives to employees they hire? Why we taking taxpayer dollars to do the job that businesses should be doing for themselves?

MR. CASWELL: Again, I would say that a lot of businesses are investing in the opportunity to hire people. You know, there are businesses that are paying for relocations. Those are typically larger businesses. I think there is an equal need among the small business and medium size business community that maybe doesn't have the upfront cash or at this point to be able to offer this same type of incentive.

SEN. GIUDA: Thank you.

CHAIRWOMAN UMBERGER: Thank you. Representative Edwards, you had a question?

REP. EDWARDS: I do. Just -- just for the record, this is all federal money being provided in the aftermath of the pandemic, is it not?

MR. CASWELL: Yes, sir.

REP. EDWARDS: Okay. So the State has assessed a need for our workforce development. The assessment came out saying we -- we could use a student debt relief program. What if the individual workers really needed their car paid off so that they could commute? What if they really needed some housing support because we keep bidding up rents? What if they needed some mortgage relief for health care bill relief, would they be able to apply for any of those other kind of personal obligation -- obligations under this program?

MR. CASWELL: Not under this program. This program is exclusively related to the debt that they incur as students. And so -- hum -- with regard to some of these others, I don't -- I don't disagree that those are additional costs. But one would hope that by removing one debt obligation of a certain degree that that would free up their income to help with the other debt problems that are also occurring out there.

CHAIRWOMAN UMBERGER: Representative Edwards, you had a follow-up?

REP. EDWARDS: Okay. So if an individual just finished paying off their loan the day before this program went into effect, would they be able to go and ask for their loan repayment to be repaid so that they're whole?

MR. CASWELL: Well, probably not, unfortunately, under -- you have to have rules and guardrails with the program. So that would be an unfortunate timing.

REP. EDWARDS: Right. So I'm going to be voting no because I just think this is bad policy and not the way to incentivize a productive workforce.

CHAIRWOMAN UMBERGER: Senator D'Allesandro, you have a question?

LOU D'ALLESANDRO, State Senator, Senate District #20: Yes. Thank you, Madam Chair. One of the program highlights is an assurance on the part of the participant that they will stay

employed in New Hampshire for four years. Who is going to monitor that and how is that going to be monitored?

MR. CASWELL: That would be the responsibility of the sub-awardee, which in this case we would anticipate to be the Business Finance Authority.

SEN. D'ALLESANDRO: Further question?

CHAIRWOMAN UMBERGER: Yes.

SEN. D'ALLESANDRO: So Business Finance Authority will be following these -- these people and reporting to you or reporting to whom on a -- on a, say, maybe a yearly or quarterly basis as to what's happened to the employee?

MR. CASWELL: Yes. So they would have to be reporting regularly. I don't know that we have identified how quickly that would be; but they would have -- using records that are available crosscheck those on --

SEN. D'ALLESANDRO: Are we creating here -- are we creating a program that's not sustainable situation? And what (Inaudible) are others going to expect in the future and that's my concern. I like the program, because I think loan forgiveness is very important as it relates to the workforce, retaining the workforce. I -- I just wonder what precedent we're setting going forward. Because some of these people have the ability to repay the debt.

MR. CASWELL: Yes, sir. I do understand that and appreciate your comment. I think, you know, for the most part we would anticipate and hope that we would move through these resources pretty quickly. I think at the far end of this there would need to be some discussion, either among the employer community or among all of us as in the roles that we're in, as to whether or not this program is something we would want to continue in some form or another. It doesn't necessarily have to be in the form that we've proposed here. But I do think that we've seen in other places and in other states and regions around the country where there is an opportunity to reduce debt of any type, and in

many cases the -- the demographic target that we are looking for in New Hampshire being a, you know, primarily a younger population, this type of debt relief program specifically goes after that -- that target. So in a lot of ways it hits a lot of the points that we're trying to use as an incentive. But, you know, certainly there's none -- no program that we come up with, whether it's student debt or any other type of debt, is going to be perfect.

SEN. D'ALLESANDRO: I understand. Just one further, Madam Chair. And the cost of this is it's going to cost us to administer this program \$500,000 a year?

MR. CASWELL: We would, you know, it's not going to be necessarily \$500,000 a year. I think what we've done is said we wanted to have around 12% of the administrative cost be used for this purpose. It may be that on the front-end where you set up the program and you do, you know, setting up the applications and the procedures that you would use to monitor and so forth, most of the cost would be on the front-end. But then over the, you know, couple of years once the program is just sort of on autopilot it would be a lower amount.

SEN. D'ALLESANDRO: Thank you, Madam Chair.

CHAIRWOMAN UMBERGER: Senator Rosenwald, you had a question.

CINDY ROSENWALD, State Senator, Senate District #13: Thank you, Madam Chair. I think the mic is on. How did the Department arrive at the figure of \$20,000 of relief per person and a four-year commitment, rather than a smaller amount of money and a three-year commitment which would be consistent with the State Loan Repayment Program? What was it that said \$10,000 is not enough to convince someone to work here and stay here?

MR. CASWELL: Hum -- I would say primarily the -- the function that we used for this was the ARPA funds themselves are available for four years. I mean, until 2024. And we can continue to obligate them out till 2026. We can continue to pay them, I should say, till 2026. So that was the primary driver for the four-year component.

Also, in working with employers, it's pretty common understanding within the HR community that if somebody is here for a period of three to four years that wasn't here previously, they're more inclined to stay once they sort of hit that threshold.

The number, the \$20,000 cap was really arrived at, as I had mentioned previously, which is we put a target up \$50 million a program in order to hit between fifteen -- 1,000 and 1500 individuals. So that was really the math, I think, that is behind these numbers.

SEN. ROSENWALD: Question though. What people who are not already here and working eligible to participate? They're already willing to commit to New Hampshire.

MR. CASWELL: Hm-hum.

SEN. ROSENWALD: And so you've gotten them part of the way. Why is it that you've made them ineligible?

MR. CASWELL: Well, I wouldn't say that they would be ineligible. There is a commitment -- the only commitments that we're asking for is to remain in a job in New Hampshire for four years and that you've received a degree or some sort of certification within the past three years. The only other threshold would be the 80% of AMI at the beginning of the process. So there isn't really an exclusion necessarily of anyone. It's just within those three sort of eligibility criteria that we proposed.

SEN. ROSENWALD: One final one, please.

CHAIRWOMAN UMBERGER: Yes.

SEN. ROSENWALD: So -- so if somebody's already started on that three to four-year path, wouldn't they be incentivized enough by a smaller amount, which would allow you to expand the program to fill more jobs?

MR. CASWELL: Hm-hum. Yeah, I mean, there's any number of ways that we could have structured the proposal. I think, you know, in the end the best way, as I've mentioned before, was to create a mechanism that was the driving factor was keeping people and getting people into jobs in New Hampshire. And there's going to be benefit that will come from the individuals who participate in that program of differing levels. But the driving component and policy that we're trying to get at here is to assist the employers in the state.

CHAIRWOMAN UMBERGER: Representative Edwards, you had a question?

REP. EDWARDS: Thank you. So imagine the family of a 2020 high school graduate, and because of their financial issues a decision was made to go into the military or go into a plumbing internship or apprenticeship of some kind. If we pass this and all of a sudden there's a government program that they did not know about when they were making this critical life decision, wouldn't we be setting up the message that they were -- made just a really bad decision because they didn't gamble on the State creating a raffle program? Wouldn't -- wouldn't that family feel like this was irresponsible government to pick winners and losers after they've made a critical life decision?

MR. CASWELL: Representative, I can't really speak to any individual potential program or potential outcome that would come from this program or any other program. I think -- I'm just going to continue to say that I think that this program is designed to assist employers. It's -- you know, no program that we're able to provide these resources for are going to necessarily be able to accommodate for every possible scenario that's out there.

REP. EDWARDS: Thank you.

CHAIRWOMAN UMBERGER: Senator Giuda.

SEN. GIUDA: Thank you. Madam Chair. I think we're overlooking the fact we are the freest, safest state in the

country and according to some sources in the entirety of North America.

MR. CASWELL: Hm-hum.

SEN. GIUDA: I don't think we should be incentivizing people in pecuniary ways to come to a state that's already the best place to live. People that want to live here are here and people that don't want to live here are going to leave. And I don't believe in spending taxpayer dollars to help change their mind so that we can keep them for four years and then have them leave. This is a great state. I don't think we need this program. Thank you, Madam Chair.

CHAIRWOMAN UMBERGER: Representative Emerick.

REP. EMERICK: Thank you, Madam Chair. It's my understanding that this is primarily to incentivize people that coming to a new job in New Hampshire, but it could be from an existing job in New Hampshire.

MR. CASWELL: Hm-hum.

REP. EMERICK: So we're incentivizing people so we can cannibalize our own employers.

MR. CASWELL: I'm not sure I follow.

REP. EMERICK: I work at Company A located in Manchester. I take a com -- I go to Company B located in Nashua to take advantage of this program. I just left my job in Manchester to go to Nashua. So the State incentivized me to leave my employer.

MR. CASWELL: But -- but Company A would have equal opportunity. The company is not necessarily involved in this. It's the individual. So the individual would work. But under the program, the debt holder, whether it's them or whether it's a bank, would receive the funding directly from this program. So it doesn't necessarily involve the employer.

REP. EMERICK: Just to follow-up. So I'm -- I'm -- somebody that's currently employed --

MR. CASWELL: Hm-hum.

REP. EMERICK: -- in Manchester --

MR. CASWELL: Hm-hum.

REP. EMERICK: -- can apply for this program without changing jobs?

MR. CASWELL: That's correct.

REP. EMERICK: Okay. Thank you.

CHAIRWOMAN UMBERGER: Are there any further questions? Okay. Seeing none. Would the Clerk please call the roll.

REP. EDWARDS: Do you need a motion?

CHAIRWOMAN UMBERGER: Oh, I'm sorry. We took it off the table. Okay. Do I have a motion to accept FIS 21-357?

****** REP. EDWARDS: I would like to make a motion, Madam Chairman, to decline or reject this proposal.

SEN. GIUDA: And I would second that.

REP. EDWARDS: Is that motion in order or do we just move to vote?

CHAIRWOMAN UMBERGER: You make a positive motion and then vote against it.

REP. EDWARDS: Okay. That's for others.

CHAIRWOMAN UMBERGER: Senator Morse.

****** CHUCK MORSE, State Senator and Senate President, Senate District #22: I'm going to move to table.

CHAIRWOMAN UMBERGER: All right. I have a motion to table.

SEN. D'ALLESANDRO: I second that motion.

CHAIRWOMAN UMBERGER: Okay. Senator D'Allesandro seconds.

REP. EDWARDS: May I make a parliamentary inquiry? I'm sorry, I'm still learning on the fly, ma'am.

CHAIRWOMAN UMBERGER: Hm-hum.

REP. EDWARDS: Okay. So if we want to vote no to kill this and we have a table motion before us, how do -- what's the -- what's the tactic to get to no?

CHAIRWOMAN UMBERGER: Okay. You would vote no to table. All right. Will the Clerk -- okay. We have a motion made by Senator Morse to table FIS 21-357, seconded by Senator D'Allesandro. Would the Clerk call the roll, please?

REP. EMERICK: On motion to table, Representative Edwards.

REP. EDWARDS: And I have to vote in this order, right? I can't wait to see how the vote's going?

CHAIRWOMAN UMBERGER: That's correct.

REP. EDWARDS: In that case I have to vote yes to table.

REP. EMERICK: Representative Emerick votes yes.
Representative Erf.

KEITH ERF, State Representative, Hillsborough County, District #02: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10 to zero.

CHAIRWOMAN UMBERGER: FIS 21-357 on a vote of 10 to zero will remain on the table.

***** {MOTION TO TABLE ADOPTED}**

CONSENT CALENDAR

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

CHAIRWOMAN UMBERGER: Okay. The following items have been removed from Consent in Tab 5, FIS 365. Tab 5.

REP. EMERICK: Oh, you're jumping to Tab 5? You're not going to cover these other two?

CHAIRWOMAN UMBERGER: No, because those are on Consent.

REP. EMERICK: Oh, I see. I'm sorry.

CHAIRWOMAN UMBERGER: Okay.

REP. EMERICK: I'm sorry.

CHAIRWOMAN UMBERGER: Then we're going to have a motion on Consent. Okay. FIS 21-368, FIS 21-369, FIS 21-371, FIS 21-372, FIS 21-373, FIS 21-374, FIS 21-379, FIS 21-389, FIS 21-390, FIS 21-392.

SEN. ROSENWALD: Madam Chair.

CHAIRWOMAN UMBERGER: Could I -- yes, I'm sorry.

SEN. ROSENWALD: If we're going to do all of Consent FIS from Tabs --

CHAIRWOMAN UMBERGER: Yep.

SEN. ROSENWALD: -- 3, 4, 5 6, 7, could we also remove 376, please, which is in Tab 7?

CHAIRWOMAN UMBERGER: No problem.

SEN. ROSENWALD: Thank you.

CHAIRWOMAN UMBERGER: Okay. Could I have --

SEN. GIUDA: I'd like to remove 366.

CHAIRWOMAN UMBERGER: I read that, I believe.

SEN. GIUDA: I didn't hear it.

CHAIRWOMAN UMBERGER: Okay. FIS 21-366.

SEN. GIUDA: Thank you.

CHAIRWOMAN UMBERGER: Could I have a motion to approve all of the other items on the Consent Calendar.

** SEN. D'ALLESANDRO: Move.

SEN. ROSENWALD: Second.

CHAIRWOMAN UMBERGER: Senator D'Allesandro moves. Senator Rosenwald second. I guess I'll have the Clerk call the roll on the Consent Calendar.

REP. EMERICK: Wow! You got me this time.

CHAIRWOMAN UMBERGER: Just go to the very back.

REP. EMERICK: Well, I've got one that says approve remaining requests.

CHAIRWOMAN UMBERGER: Oh.

REP. EMERICK: I found one.

CHAIRWOMAN UMBERGER: Okay. Good.

REP. EMERICK: All right. Representative Edwards.

REP. EDWARDS: Yes.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10 to zero.

CHAIRWOMAN UMBERGER: Ten to zero on approval of all other items on Consent.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: So the first one we've taken off is under Tab 5, 21-366. Oh, I'm sorry 365. I can't read my notes. Excuse me. It's early. Okay. 365 is from the Department of Health and Human Services requesting authorization to accept and expend \$3,323,142. So somebody had a question. Representative Rosenwald.

SEN. ROSENWALD: Thank you, Madam Chair. I have a number of questions for the Division of Vital Statistics.

CHAIRWOMAN UMBERGER: Okay. Is there someone here from -- please come up.

DENISE GONYER, Director, Division of Vital Records, Secretary of State's Office: Thank you. My name's Denise Gonyer. I'm the Director of Division of Vital Records.

SEN. ROSENWALD: Miss Gonyer, thank you. My questions are focused on the birth record worksheets that you e-mailed me the other day.

MS. GONYER: Okay.

SEN. ROSENWALD: And my first question is why is it -- why is it any business of the Secretary of State to know when a woman has her period last?

MS. GONYER: So these questions are -- they're questions that are collected for Public Health reasons. I think maybe she could come up with me. Division of Vital Records and DHHS work closely together to collect information for Department of Public Health.

SEN. ROSENWALD: My question, if I could, is not why is it -- why is it a good idea for the Division of Public Health to know this. My question is why should the Secretary of State know when a woman last had her period, especially if it was nine months ago?

MS. GONYER: So we collect all data on behalf of the Division of Public Health as part of our vital records and as part of the U.S. Standards. It's collected at a hospital. It's electronically put in a file. It's the birth worksheet that you see that we don't see. It's collected at the hospital level. The questions are answered at that level.

SEN. ROSENWALD: And it goes to the Secretary of State's Office. My next question is --

CHAIRWOMAN UMBERGER: Just a minute. Go ahead.

PATRICIA TILLEY, Director, Division of Public Health, Department of Health and Human Services: Thank you, Senator Rosenwald. I think part of this is the unique arrangement in the

State of New Hampshire, as you know, that we are the only state in the country that has vital records within the Secretary of State's Office. And so we work closely with Public Health and Secretary of State to have some of those questions which, as you know, have strong public health utility. So, again, the last date of a menstrual period is really about understanding what the gestational age is of that fetus or the newborn.

SEN. ROSENWALD: Thank you. I understand why Public Health wants this. My questions are why are we saying it's okay for the Secretary of State to have information on how much a woman smoked before her pregnancy and how many times during her pregnancy she drank alcohol per week? Why are we -- why is that something that should be sent by the hospital to the Secretary of State?

MS. GONYER: And Vital Statistics -- Okay. I'm sorry. Go ahead, Dave.

DAVID SCANLAN, Deputy Secretary of State, Office of Secretary of State: Thank you, Madam Chair. I'm David Scanlon, Deputy Secretary of State, and the Division of Vital Records is one of the divisions that is assigned to the Secretary of State's Office. It was placed there quite a number of years ago now, at least -- at least ten, and it's probably closer to 20. It is a division that has a specific function that is heavily prescribed in the statute. There are many protections in that statute on how that information is to be kept private and confidential. The Secretary of State's Office has honored that over the years. And I'm not aware of any complaints or issues related to the confidential and information leaking out to the press or in any type of inappropriate way.

The Secretary of State does not review the specific information that Senator Rosenwald is suggesting that he or she, if it's ever a woman, may have an interest in at that level. That agency is simply fulfilling their statutory responsibility in a manner that is prescribed in the statute.

CHAIRWOMAN UMBERGER: Yes, go ahead.

SEN. ROSENWALD: Thank you. Why is it a felony for a woman to lie about her weight to the Division of Vital Records and the Secretary of State's Office?

MR. SCANLAN: Because that's a decision the Legislature made when they created the statute. The Secretary of State's Office simply administers the statute. We don't -- you know, we don't editorialize or, you know, ask questions of -- of patients or individuals that have to provide that information. Ours is a ministerial role and we simply ask the questions that are prescribed to us by the statute.

CHAIRWOMAN UMBERGER: Yes, go ahead.

SEN. ROSENWALD: Thank you. Why -- why does the Division of Vital Records want to share this private and sensitive information with the Vaccine Registry?

SEN. ROSENWALD: Again, the information that is shared with other agencies is something that is prescribed in the statute, and there is -- there is no initiative on the part of the Secretary of State or the Division of Vital Records on their own to collect any additional information or share any additional information. They're simply doing the job that the Legislature has instructed them to do.

SEN. ROSENWALD: One final question.

CHAIRWOMAN UMBERGER: Yes, go ahead.

SEN. ROSENWALD: Thank you. So this item seems to be about facilitating sharing of data with the Federal Government. What amount of this data that we've just been discussing is shared with the Federal Government?

MR. SCANLAN: Let me ask Director Gonyer to answer that question.

SEN. ROSENWALD: On an identifiable basis.

MS. GONYER: Right. And so we have specific layout filed with -- we have a -- we have an agreement with them. And we file -- we send them whatever is required by U.S. Standards, and there are some things that we don't share with them. There are things that Public Health asks to be collected on the form that just goes to DHHS. It does not go to the Federal Government. So it's whatever the U.S. Standards are is what we send to them. Nothing more.

SEN. ROSENWALD: I guess I was looking for what exactly that is. Are you telling the Federal Government about an individual woman's weight, menstrual cycle, tobacco use?

MS. GONYER: And so the questions are individual and I would be glad to share a file layout with you on what we do send down. I would have to go through each category and there's over a hundred on the worksheet.

SEN. ROSENWALD: I'd be interested.

MS. GONYER: Yeah, I'd be glad to share that via e-mail if that's helpful to you.

CHAIRWOMAN UMBERGER: Senator Giuda.

SEN. GIUDA: Thank you. I think it's in the interest of this Committee to know that exact data at this point in time. And I would be very happy to wait until we get it. If you have a form with you that presents what's presented and given to the Federal Government, I think it's appropriate for this Committee to hear that information. Thank you, Madam Chairman.

CHAIRWOMAN UMBERGER: Is that a motion to table?

SEN. ROSENWALD: Yes.

SEN. GIUDA: Yes.

REP. EDWARDS: Is there still discussion or does this shut down discussion?

CHAIRWOMAN UMBERGER: This shuts down discussion. Okay. I have a motion to table by Senator Rosenwald, and a second by Senator Giuda. Would the Clerk please call the roll.

REP. EMERICK: Representative Edwards.

REP. EDWARDS: Would it be in order for me to ask the person who made the motion to withdraw the motion? I -- I thought I had a relevant question about data privacy, a couple.

CHAIRWOMAN UMBERGER: We'll get to that.

SEN. GIUDA: I'll withdraw my second.

SEN. ROSENWALD: I would withdraw it.

CHAIRWOMAN UMBERGER: Okay. All right. Please, go ahead, Representative Edwards.

REP. EDWARDS: Okay. Thank you. So I have a couple questions about data privacy, and maybe three, actually. But when Vital Records, not the Secretary of State, because I think this is naturally the full function of Vital Records, when Vital Records is asking for the medical data, does the individual have a right to opt-out and say I don't want you to know that?

MS. GONYER: Yes, they have a right to refuse.

REP. EDWARDS: Now, is that an opt-in or an opt-out? Do you know the difference? Opt-in they must affirmatively say you can have their data before you take their data. Opt-out says the government's going to take this data unless you tell us you can't, and opt-in is the superior data privacy way of handling this. Which is it, opt-in or opt-out?

MS. GONYER: Depending on the individual questions on the worksheet, there may be some things that they can't opt-out of which -- and there are things that they can refuse. For instance, we're talking about a birth record. By law, they're supposed to name their child before they leave the hospital. So they wouldn't be able to opt-out of the child's name necessarily

being sent. Excuse me. But part of the questions is do you want a Social Security number issued at this time for your child, and the answer to that could be no. We're opting out of that. Do you want to do the immunization? The answer to that would be no. You can opt-out. It's a yes/no mandatory field. So it does depend on the question; but most all questions have an answer that they may refuse to answer.

CHAIRWOMAN UMBERGER: Follow-up.

REP. EDWARDS: Okay. So this is a process question. You know, in 2018 New Hampshire overwhelmingly passed a right to privacy and it says that all individuals are free from government intrusion in their personal and private data. So -- so when you -- when the Vital Records is looking at data, new data elements that it wants to accumulate, to what effort -- what effort is made to make sure that we're balancing our data needs with their right to privacy? Do you have an explicit check-off on that kind of an evaluation?

MS. GONYER: I think the file layout may answer a lot of those questions for you. For instance, the file that we do send to the Federal Government does not actually include the child's name. It includes the state file number, keeping the privacy of the child's name, unless for other purposes they want a Social Security. So depending on what the usage, the parent gets to make that decision. If they don't want to answer the last menstrual cycle for whatever reason, they can refuse to answer that throughout the whole worksheet when the information is gathered. So it is -- it's something the hospital works with the parents to obtain the information if they're willing to give it and they don't have to give the information.

REP. EDWARDS: Thank you.

MS. GONYER: If that answers your question.

CHAIRWOMAN UMBERGER: Senator Rosenwald, you had a follow-up?

SEN. ROSENWALD: Yes, I do. Thank you. I'm looking at the worksheets -- hum -- and the only opt-out that I see or opt-in, you can read this sentence either way, is on sending the mother's worksheet, which includes tobacco use, weight, alcohol use and a lot of other questions, about education, ethnicity, employment. The only opt-out is Line 84. I authorize release of birth and immunization information to the New Hampshire Immunization Registry. Yes or no.

The question about the menstrual cycle is not filled out by the mother but is filled out by the facility where the birth takes place. There's no opportunity there for an opt-out, and that sheet also collects number of pregnancies that did not result in a birth, including induced, losses, spontaneous losses or miscarriages. So other -- other outcomes. But there's no opt-out there. So I -- I guess I'm confused as to where you think all this opt-out opportunity is.

MS. GONYER: So we have in each hospital facility where the birth is taking place, we have what's called a birth clerk. And the clerk is trained and they're the ones gathering the medical information and filling out this sheet. And in the computer itself there's a place for opting out and there's certain codes that the birth clerk puts in there as part of their training on how to use the software. So it's built in the software more than it is put on the worksheet.

CHAIRWOMAN UMBERGER: Okay. I think that it would be helpful if we got whatever you want to provide us and provide it, if you would, to the LBA, Mr. Kane. And he will, in fact, get that to all of us relatively soon. And -- hum -- you know, obviously, there are a lot of questions and there -- I guess there needs to be some assurances on our part that we are following the privacy issues and that we probably also need to know if the questions are statutorily required or if they are Public Health required. So that, you know, because I know that all you are are the collector of the data, and then it goes to whomever. But it's also important for us to understand, you know, you said, well, the U.S. Standards or, you know, whatever term. If it's -- if it's that, then we need to identify who is the person actually requesting that data. I know it's not you. Okay. You're just

trying to make sure that we have all of the information that other folks are asking you about.

MR. SCANLAN: Madam Chair, if I might? We learned of the request for us to be here two days ago and at that we were not clear on what the questions were going to be. I think we have a general gist of what they are as a result of this meeting. But if there's any additional questions that you'd like to e-mail us, you know, we'll -- we'll address them.

CHAIRWOMAN UMBERGER: Yeah. Okay. Thank you. Senator Giuda.

SEN. GIUDA: Thank you, Madam Chair. One comment for the record. I note in the first paragraph under Requested Action, pursuant to the provisions of RSA 14:30-a, VI, authorize HHS to accept and expend federal funds from the Centers for Disease Control and Prevention to fund Data Modernization as mandated, as mandated by the Coronavirus Aid, Relief and Economic Security Act of 2020. Mandated, that's a federal mandate. You go over to the next page at the very bottom, all right, they talk about replacement and LIMS moved to cloud-based from in-house, as well as other health data systems. Okay. That's an open end. And I am not willing to support an open end with the privacy of our people's data for any amount of federal money. Okay. We continue to see the encroachments of the Federal Government into the privacy of our citizens. And while some may argue that this Committee is not the place to argue the merits of the doctrine, we certainly are in a position to make sure that we enforce the privacy rights of our citizens. Thank you, Madam Chair.

CHAIRWOMAN UMBERGER: Okay. So was that a motion to table? No. Do I have a motion to table?

****** SEN. ROSENWALD: I'll remake my motion to table this item, Madam Chair.

CHAIRWOMAN UMBERGER: Okay. Thank you. Do I have a second?

REP. LEISHMAN: Second.

CHAIRWOMAN UMBERGER: Representative Leishman seconds. Okay. Let's try calling the roll now.

REP. EMERICK: Okay. On tabling motion, Representative Edwards.

REP. EDWARDS: Yes, to table.

REP. EMERICK: Clerk says yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is ten to nothing.

CHAIRWOMAN UMBERGER: Okay. The vote is ten to nothing to table. And we will look forward to receiving the information and recognizing that Public Health needs to share with that as their reason for wanting to collect some of this information that Senator Rosenwald identified.

***** {MOTION TO TABLE ADOPTED}**

CHAIRWOMAN UMBERGER: Okay. That was easy. FIS 21-366, authorization to accept and expend \$286,589 in Federal funds through June of '22.

KERRIN ROUNDS, Chief Financial Officer, Department of Health and Human Services: Madam Chair, may I just make -- in full transparency, the item that was just tabled the Department will be withdrawing it and submitting two separate items, one for just the transfer to the Secretary of State, and another one for everything else. But that's in that item because it sounds like the questions were different on the two, and rather than create an issue with them in the same item, we will submit two separate items.

CHAIRWOMAN UMBERGER: Okay. All right. Uh -- 21-366. Are there questions about -- yes, Representative Dan or, sorry, Senator Daniels.

SEN. DANIELS: Thank you. Good morning. I noted that part of the reason on accepting this money was to put it toward the efforts to reduce electronic cigarette use, and I was curious as to the Department's position on the use of electronic cigarettes to reduce -- as a vehicle to reduce tobacco smoking?

MS. TILLEY: Good morning. Thank you for that question, Senator. For the record, my name is Patricia Tilley. I'm the Director of the Division of Public Health Services. Thank you.

You asked a great question. So I'm going to separate it. There's two parts here. One of the main concerns of the Division of Public Health right now is the uptake of tobacco use among youth. And the vehicle that they are uptaking that use and

really beginning their addiction to tobacco right now is through E-cigarettes or vape products. So that's one of our primary focuses right now is to prevent and to help those adolescents quit tobacco use at those early ages.

We know that the earlier you start using tobacco, the more likely it is for you to have a long-term addiction to that Nicotine product. So I just want to set the stage there that that's really one of our primary focuses.

Your question, however, is slightly different which is how do you -- what is our stance around using E-cigarettes for people who are trying to quit? And, typically, we understand that those are typically adults, older adults or, you know middle aged adults who have had significant lifetime use of tobacco products and they used these E-cigarettes or vaping products as a method to cut down on their use and some of the other harmful elements of combustible tobacco smoking. So a regular old cigarette, which also has a myriad of other issues to it.

Right now, FDA does not recognize E-cigarettes or vaping as a method by which to quit smoking. So we in our quick line focus on FDA approved activities. I think that's the short answer to your question. We focus our work on FDA. We are silent on whether adults use or do not use electronic cigarettes versus tobacco. We have a public health interest in reducing overall tobacco use because of the poor health outcomes related to them.

SEN. DANIELS: Follow-up.

CHAIRWOMAN UMBERGER: Follow-up.

SEN. DANIELS: Is there a probability that if the youth were not using electronic cigarettes that they would actually go to tobacco?

MS. TILLEY: So I think that, you know, the data's really interesting on this. We had seen over a decade now of real reduction in tobacco use, regular combustible cigarette tobacco use among youth until the introduction of widely available vape

products. And so, again, the data was going down, down, down, down, down, through lots of different kinds of efforts to encourage youth not to use tobacco products.

Vape -- the easily available vape products came on the market, often with flavors that were generally marketed towards a younger population, mango, bubble gum flavor, all of those very sweet flavors that we know are particularly attractive to a younger market.

We saw in our last youth behavioral risk surveys, it's called YRBS, it's a survey we do of children -- of youth in high schools and we've seen that almost -- we've shot up to about over 30% of youth had tried vape products. They were not smoking combustible cigarettes. They were smoking vape products. And what we have seen through the data and through experience, anecdotal experience with young adults who are trying to quit is you start with vapes because they're sweet and they're enticing, and then they are expensive. And so then there's often a pivot to a combustible tobacco product which also has other health effects. You know, in terms of its risk for cancer, heart disease, other effects.

SEN. DANIELS: Follow-up.

CHAIRWOMAN UMBERGER: Yes, please.

SEN. DANIELS: You noted that there was a 30% increase in those that tried it. Have you any statistics on how many stayed with it?

MS. TILLEY: Sure. I don't have that number off the top of my head right now. Thirty percent report using. I don't have the exact definition of what that is, but we can get you that data around -- we have that broken down if they've used it for more than three months or so. But we certainly know that youth are accessing these products and at a much higher rate than they are accessing combustible cigarettes.

SEN. DANIELS: Thank you.

CHAIRWOMAN UMBERGER: Are there further questions?

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

CHAIRWOMAN UMBERGER: Okay. I have a question.

SEN. D'ALLESANDRO: Oh, I'm sorry.

CHAIRWOMAN UMBERGER: That's quite all right. Who is responsible for monitoring the stores that sell the vaping products? Because if I remember correctly, the age is now 18.

MS. TILLEY: Correct?

CHAIRWOMAN UMBERGER: Okay.

MS. TILLEY: So thank you for that question, Chair. So this is a joint effort between the Department of Health and Human Services and the Department of Safety and Liquor Enforcement. And so we work with that together to monitor those stores. There's an enforcement end and Department of Health has another end.

CHAIRWOMAN UMBERGER: Okay. Thank you very much. Senator D'Allesandro moves to approve 21-366. Sorry. Yes, 366, and Senator Rosenwald seconds. Seeing no further questions, will the Clerk call the roll?

REP. EMERICK: 21-356.

CHAIRWOMAN UMBERGER: 66.

REP. EMERICK: 366. My apologies. Representative Edwards.

REP. EDWARDS: Yes.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10 to zero.

CHAIRWOMAN UMBERGER: The vote is 10 to zero in favor.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: So now we move on to 21-368, the Department of Natural and Cultural Resources, authorization to accept and expend \$130,259 in Federal funds through June 30, '23.

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

SEN. D'ALLESANDRO: I'll second.

CHAIRWOMAN UMBERGER: Okay. I had it off. All right.
Uh -- okay, sorry. Senator Giuda moved the item and Senator
D'Allesandro seconded. Will the Clerk call the roll.

REP. EMERICK: Madam Chair, FIS 21-368. Representative
Edwards.

REP. EDWARDS: Yes.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: (Inaudible).

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10 to zero.

CHAIRWOMAN UMBERGER: Thank you. The vote on FIS 21-368 --

REP. EMERICK: 368.

CHAIRWOMAN UMBERGER: Thank you, is 10 to zero.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: FIS 21-369. Okay. This is Department of Safety, authorization to accept and expend \$1,157,640 in Federal funds through June 30th, 2023. Uh -- this is for emergency management money. Are there any questions? Represent or Senator Giuda.

SEN. GIUDA: Thank you, Madam Chair. I'll try to be brief. I've worked with Jim Gallagher at some length who does an excellent job for the Department and for our people. A couple of concerns on this. Are we adding any positions or is this just transferring funds to cover existing positions?

STEVEN LAVOIE, Director of Administration, Department of Safety: This -- thank you for the question. Madam Chair, Members of the Committee, Steve Lavoie, Director of Administration for the Department of Safety. This grant is -- this is accepting money in to fund the rehabilitation of the high hazard potential dams. There is some -- a few -- there is some money for part-time hours to be spent on the project. We're not creating any new positions. It's really to pass the money through to support the grant rehabilitation.

CHAIRWOMAN UMBERGER: Senator Giuda, you have a follow-up?

SEN. GIUDA: Yes, ma'am. Thank you. I noticed that there are agreement articles for the two parts of this. This is three sixty -- I'm sorry, this is 369, right? Yeah. I'm concerned about the agreement articles potentially providing the Federal Government with what we in New Hampshire might consider excessive authority to trespass, because of acceptance of the

funds on those projects, on abutters' properties and stuff. Are you aware of any such things or could you provide the Committee with some assurance that that's not going to be the case? That our existing trespass laws will be respected, that there are no further encroachments by the Federal Government planned?

MR. LAVOIE: I'm not aware of any -- anything that goes beyond what we already have within the state. I do have representative from the Division of Homeland Security and Emergency Management who might be able to give you some more information though.

SEN. GIUDA: Thank you.

FALLON REED, Division of Homeland Security and Emergency Management, Department of Safety: Good morning. Fallon Reed. I'm the Chief of Mitigation Recovery with Emergency Management. Senator Giuda, to your question, so we work very closely with the federal partners. If the need arises to go on abutting property, we would speak with the property owner and get their permission for doing so. None of the projects, whether it be through HHPD mitigation or public assistance would we go onto those properties without the property owner's permission.

SEN. GIUDA: Thank you.

MS. REED: Sure.

CHAIRWOMAN UMBERGER: Are there any further questions?

****** REP LEISHMAN: I move approval.

SEN. D'ALLESANDRO: Second.

CHAIRWOMAN UMBERGER: Okay. Senator -- Representative Leishman moved approval. Senator D'Allesandro seconded. Will the Clerk please call the roll.

REP. EMERICK: 21-369. Representative Edwards.

REP. EDWARDS: Yes.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10 to zero.

CHAIRWOMAN UMBERGER: FIS 21-371 passes on a vote of --

SEN. DANIELS: 369.

CHAIRWOMAN UMBERGER: I'm sorry. All right. FIS 21-369. Thank you all for keeping me straight here. Passes on a vote of 10 to zero.

*** {MOTION ADOPTED}

(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 124:15 Positions Authorized:

CHAIRWOMAN UMBERGER: The next item we will take up is FIS 21-371, to accept and expend \$279,404 in Federal funds. Are there questions?

REP. EDWARDS: Madam Chair.

CHAIRWOMAN UMBERGER: Representative Leishman, you have a question?

REP. LEISHMAN: Thanks, Madam Chair. Thanks for taking my question. The item says upon approval of Fiscal Committee through June 30th of next year. However, on Page 3 it says the duration of the position that this would create will be for 24 months. Could you explain how you'd be funding that after the '22 date?

MS. ROUNDS: Yes. So Kerrin Rounds, Chief Financial Officer. So sometime last year I was talking to one of the Committee Members, and they told me that the best thing at Fiscal is to never lie and never screw up, and you guys know I don't lie, but I regularly screw up. And this is a full-on screw up. So these positions actually started the beginning of this Fiscal Year. They were originally authorized through the state of emergency. So we had discussions with DAS, with the Governor's Office. We need them to continue. So the 24 months is actually starting at the beginning of this Fiscal Year. There's this item and there is one other item that also has positions that's the same situation. We should have carried the funding forward when we closed the books for the year. We didn't. And then, of course, my public health finance folks are

a little busy and completely missed this until now. So this is -- these two items are my screw up.

REP. LEISHMAN: Madam Chair, I thought she was perfect. I still do. But you've answered the question.

SEN. D'ALLESANDRO: Perfection has its challenges.

CHAIRWOMAN UMBERGER: Well, this is one in 20 years. So it's -- you said you had another one. So this is --

MS. ROUNDS: Yes.

CHAIRWOMAN UMBERGER: This is two in 20 years. Not a problem. Representative Edwards, you had a question.

REP. EDWARDS: Thank you, Madam Chair. Good seeing you both. I -- to follow-up on Representative Leishman's question, Miss Rounds' answer, does that mean that we need to make any amendment to the document that we're about to vote on in order to have the record accurate? I'm not so concerned about a mistake as I just want to make sure that the public record is accurate.

MS. ROUNDS: So I don't believe so. The way -- and I'm not the best person to explain this -- but the way that the state of emergency worked is that when a position was authorized, it continued to be authorized. So this item isn't necessarily authorizing the positions, which is why it isn't retroactive. It's just accepting the funding for funding those positions. So that I don't think anything needs to be changed. I reviewed that with DAS. Actually, a question came up after I submitted the item. We re-reviewed it and we believe that it's stated correctly.

REP. EDWARDS: Follow-up.

CHAIRWOMAN UMBERGER: And I think as Mr. Kane explained before, this will be in the actual transcript of -- of what --

REP. EDWARDS: Okay. And that's adequate?

CHAIRWOMAN UMBERGER: Yeah.

REP. EDWARDS: Okay.

CHAIRWOMAN UMBERGER: So, you know, if anyone wants to read the transcripts, they're there for the future, so. You have a follow-up?

REP. EDWARDS: Yes, ma'am. And these are curiosities and not concerns. As I read kind of the high level job description of what these folks are doing, it reads to me like it's possible that a good portion of what they're doing are ongoing functions that the Department will have to continue to engage in after the pandemic money has expired. And so I just would like you to comment, if you would, about the ongoing nature of this post-pandemic reporting. And just let me throw the second one in now. And that is there's a couple hundred thousand dollars for a contract, and I'm just -- I'm just curious if there's already sort of a vendor lined up to do that?

MS. TILLEY: Thank you for those questions, representative. Again, for the record, Patricia Tilley, Director of the Division of Public Health.

I will start with the second question first around the vendors. Again, we were authorized. So we've done a competitive bid and we have a vendor to provide that training for the hospitals. Again, competitively bid. If there are additional contracts needed, we also intend to competitively bid those.

The first question is a bigger question of, boy, this seems like work that's not just COVID related and that would go on. It's part of our regular suite of business to provide support to hospitals around general infection control practices. It is of paramount importance today with COVID, but we still have bacterial stuff. We have plain, old hospital acquired infections that we've had pre-pandemic, and we would anticipate to have post-pandemic.

We anticipate that there will continue to be federal funding to support these initiatives. This particular bolus of money came through a larger package of something called epidemiology laboratory funding. So we anticipate there will be more money later. We don't know exactly what that would be, but this is part of ongoing work.

REP. EDWARDS: I -- I -- I beat up on the Department my fair share. I just want to point out since you mention the infectious control function that when oversight last looked at the annual report that was an excellent report. You guys are just doing a great job communicating with the hospitals. So thank you for that.

MS. TILLEY: Thank you.

CHAIRWOMAN UMBERGER: Senator Giuda.

SEN. GIUDA: Thank you, Madam Chair. I turn to Page 3 and in the middle there under two about halfway down there's a -- one of the functions is compliance with federal requirements and reporting. What information is reported to the Federal Government by virtue of this program or this grant?

MS. TILLEY: Sure. Thank you for that question, Senator Giuda. I don't have the list in front of me right now; but, in general, we report incidents of infectious disease. So that is part of our communicable disease so that we would do for any variety of health care acquired infection. It's around incidents of disease.

SEN. GIUDA: Follow-up.

CHAIRWOMAN UMBERGER: Yes, go ahead.

SEN. GIUDA: Is any personally identifiable information transmitted to the Federal Government?

MS. TILLEY: So I am not an expert in that data file. I can't answer that for you exactly right now. So I'm not even

going to tell you what my hunch is, but I can get that for you after the meeting.

** SEN. GIUDA: I would move to table.

CHAIRWOMAN UMBERGER: Do I have a second? Seeing no second.

** REP. LEISHMAN: Move approval.

SEN. D'ALLESANDRO: Second.

CHAIRWOMAN UMBERGER: Representative Leishman moves approval. Senator D'Allesandro seconds. Is there any further discussion?

SEN. GIUDA: Yes.

CHAIRWOMAN UMBERGER: Okay.

SEN. GIUDA: I think I would like to know the specifics of whether or not personally identifiable data is transmitted to the Federal Government as a condition of participation in this grant. I think in the interest of the privacy of our citizens we can wait a week or two to find that information. Thank you, Madam Chair.

CHAIRWOMAN UMBERGER: Thank you. Will the Clerk call the roll, please.

REP. EMERICK: Roll call on 21-371. Representative Edwards.

REP. EDWARDS: Yes, to accept.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: No.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Represent -- Senator Daniels.

SEN. DANIELS: No.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: No.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: No.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: No.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: No.

REP. EMERICK: Madam Chair, the vote is four yes and six
no.

***** {MOTION TO ADOPT FAILS}**

****** SEN. GIUDA: Move to table.

CHAIRWOMAN UMBERGER: Okay. I have a motion to table from
Senator Giuda. Do I have a second?

SEN. ROSENWALD: I thought that was a motion to table?

CHAIRWOMAN UMBERGER: No.

SEN. ROSENWALD: Could we reconsider that vote?

SEN. MORSE: (Inaudible).

REP. EDWARDS: (Inaudible) I said yes to accept.

CHAIRWOMAN UMBERGER: Okay. Senator Morse seconds the motion to table. Okay. Will the Clerk call the roll.

REP. EMERICK: Okay. Motion to table. Representative Edwards.

REP. EDWARDS: Yes, to table.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10-0 to table.

CHAIRWOMAN UMBERGER: The vote on FIS 21-371 to table is 10 to zero.

***** {MOTION TO TABLE ADOPTED}**

CHAIRWOMAN UMBERGER: Moving on to FIS 21-372. That's off the table or off -- yeah, could I have a motion on 21-372.

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

CHAIRWOMAN UMBERGER:: Okay. Do I have a second?

SEN. ROSENWALD: Second.

CHAIRWOMAN UMBERGER:: Okay. Representative Leishman had his hand up first. Could I -- any discussion on this, please? Seeing none, will the Clerk call the roll.

REP. EMERICK: On 21-372. Representative Edwards.

REP. EDWARDS: Yes, to accept.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

(No response.)

REP. EMERICK: Senator Giuda. Senator -- I'm sorry, I didn't --

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Giuda, okay. Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes. Senator Morse.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

CHAIRWOMAN UMBERGER: Okay.

REP. EMERICK: Madam Chair, the vote is 10-zero.

CHAIRWOMAN UMBERGER: Okay. That was 372, right?

REP. EMERICK: 372.

CHAIRWOMAN UMBERGER: Okay. FIS 21-372 is approved on a vote of 10 to zero.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: Now moving on to FIS 21-373. DOT is someplace. I did see Commissioner Sheehan.

VICTORIA SHEEHAN, Commissioner, Department of Transportation: Good morning, Madam Chair. For the record,

Victoria Sheehan, Commissioner for DOT. And with me today is Marie Mullen, Director of Finance.

CHAIRWOMAN UMBERGER: Thank you. It's good to see both of you. Senator D'Allesandro.

SEN. D'ALLESANDRO: Thank you. Thank you, Madam Chair. Thank you very much for coming both of you. Commissioner, how -- how is this money going to be used? What's the plan for, A, hiring the engineers, doing these programs, what's the shovel -- what are the shovel-ready programs? How can we get this done in the period of time that's been allotted?

MS. SHEEHAN: So thank you for that question, Senator. The item today pertains to the passage of the Infrastructure Investment and Jobs Act. This would be to accept and expend those dollars. We are currently advancing the Ten-Year Plan for the years of '23 to '32. We are concluding our work in the GACIT phase. Right now that's working with the Executive Council as the Governor's Advisory Committee on Intermodal Transportation. So we're honoring that Ten-Year Plan process when it comes to identifying which projects could be accelerated with these dollars. Our hope is that the work that we've done in this first phase with the Executive Council has really helped identify the highest priorities, and then we'll refine the plan as we work with the Governor and the Legislature in the new year.

SEN. D'ALLESANDRO: Okay. Thank you. Further question.

CHAIRWOMAN UMBERGER: Go ahead.

SEN. D'ALLESANDRO: Thank you, Commissioner, and that's great. The question is are we able to fulfill the obligations of getting this money moved out? Do we have the staff available to do this? Do we have the engineers available to do the design and et cetera? I mean, this is a serious situation. This is a lot of money, and how we going to do it?

MS. SHEEHAN: So there's two parts to the item before you today. The first is to accept and expend the funds.

SEN. D'ALLESANDRO: Right.

MS. SHEEHAN: The second is to authorize the Department posting 24 temporary positions. They're temporary because the positions would only be in place for the duration of the IIJA, which would be that five-year window. We have like every agency and every employer had a higher than normal vacancy rate at the Department. And we have, at times, been struggling to fill positions. Certainly, the hiring process is taking a lot longer. But we have found good candidates. So what we have proposed is to fill these 24 positions.

For a sense of scale, the increase in funding roads and bridges is about a 50% increase. And, yet, we're only asking to add approximately 5% to our head count in the project development and administration sections that oversee projects. The vast majority of this work will be designed by consultants and constructed by contractors; but we do have to have appropriate oversight to negotiate the agreements with the consultants and to do the independent estimates and all the work that's required in our Federal Highway Stewardship and Oversight Agreement.

So we do think it might take some time to fill these positions; but we have had success in recent months since the hiring freeze was lifted, and there was more certainty around revenue, and we have been able to add some folks to the Department.

SEN. D'ALLESANDRO: Just one further comment.

CHAIRWOMAN UMBERGER: Yes.

SEN. D'ALLESANDRO: So when we vote for this we can feel confident that you can deliver in terms of getting these people to do these jobs in a timely manner?

MS. SHEEHAN: Hum -- because New Hampshire develops a Ten-Year Plan for transportation, a lot of the projects that we are accelerating already have consultants assigned to them. We also have just completed a series of major projects. You know,

the completion of I-93, and as well as all the work on the Spaulding Turnpike. So there certainly is construction contractor capacity as well.

So in the near term we're confident, but we do need to post these positions and start to ramp up because as we accelerate things in the Ten-Year Plan, we will be adding new projects in the back of the Ten-Year Plan or things we haven't actively been working on because they were three or four years out, we might be doing two years from now. So we -- we just start the recruitment effort today. But for the near term we're confident that we can advertise the projects, you know, in this Fiscal Year and the next Fiscal Year because many of those were already under design.

SEN. D'ALLESANDRO: Thank you. Thank you, Madam Chair.

CHAIRWOMAN UMBERGER: You're quite welcome.

SEN. D'ALLESANDRO: Thank you, Commissioner.

CHAIRWOMAN UMBERGER: Senator Giuda, you had --

SEN. GIUDA: Thank you, Madam Chair. Thank you, Commissioner. I receive many complaints from constituents that our secondary level roads are not being maintained for whatever reason, lack of personnel, lack of funding. Will this item or revenues from it provide for improved maintenance of those second tier roads?

MS. SHEEHAN: So, unfortunately, Federal funds can only be used on a certain number of our roadways in the state. And so we have what's called the National Highway System on the Fed Aid Eligible Roads, and then about a third of our network is not eligible for Federal funds. The new bill does provide us a little bit of latitude. For example, we can spend federal funding for resiliency type projects, off system -- off the National Highway System. When it comes to routine paving and regular maintenance, we cannot use Federal funds on those, what we call Tier III and IV roads primarily here in New Hampshire. Those are the lower volume roads. The state routes are the

roadways that the state owns and maintains, but they're unnamed -- sorry -- unnumbered routes.

CHAIRWOMAN UMBERGER: Senator Giuda.

SEN. GIUDA: Though the highway toll doesn't go to your agency, would you care to comment on the adequacy of the highway toll, the gasoline tax, if you will, on maintaining those state roads versus the federal?

MS. SHEEHAN: You're referring to the State Road Toll, which is what we call the gas tax in New Hampshire. I would just say that during the budget process there was a recognition, especially during the pandemic, that revenues had declined significantly. The Legislature was very supportive. They added General Funds to our budget to make sure that we weren't in the position where we had to unfund positions or go through cuts. So we really appreciate all the support received from the Legislature in the last budget in recognition that during the state home order, in particular, people weren't traveling and that did impact our revenues.

CHAIRWOMAN UMBERGER: Senator Daniels.

SEN. DANIELS: Thank you. Will any of the funds that we're asking to accept in '22 and '23 be used to promote projects that are not on the final legislative past Ten-Year Plan?

MS. SHEEHAN: No, Senator. We always honor the priorities established in the Ten-Year Plan. So we're currently working on the plan for '23 to '32. The hope is that will be signed into law by the Governor in June. And so in the short-term we're working using the project listing from the past Ten-Year Plan, the one that was approved in the last update.

SEN. DANIELS: Thank you.

CHAIRWOMAN UMBERGER: Are there any further questions?

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

CHAIRWOMAN UMBERGER: Okay.

SEN. GIUDA: Second.

CHAIRWOMAN UMBERGER: Senator D'Allesandro moves the item and Senator Giuda seconds. And that is FIS 21-373.

REP. EMERICK: Representative Edwards.

REP. EDWARDS: Yes, to accept.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10 to no. Ten to zero.

CHAIRWOMAN UMBERGER: The vote on --

SEN. DANIELS: Madam Chair.

REP. EMERICK: I'll get it out.

CHAIRWOMAN UMBERGER: -- FIS 21-373 is 10-0.

***** {MOTION ADOPTED}**

SEN. DANIELS: Madam Chair.

CHAIRWOMAN UMBERGER: Yes.

SEN. DANIELS: Could I ask respectfully the Department that as we spend this money that it report periodically be put out so that we can see the projects and how the money is being spent.

MS. SHEEHAN: Certainly. We can provide a report of what work we plan to advertise in each state or federal Fiscal Year based on what was approved in the Ten-Year Plan.

SEN. DANIELS: Thank you.

CHAIRWOMAN UMBERGER: Thank you very much. We now move to FIS 21-374, Department of Safety, to accept and expend \$6,936,491 in Federal funds, and authorization to create seven temporary full-time positions. Welcome. Are there any questions?

REP. EMERICK: Senator Giuda.

CHAIRWOMAN UMBERGER: Oh, I'm sorry. Senator Giuda.

SEN. GIUDA: The incessant question asker. Thank you, Madam Chair. I'm looking on Page 1 at 40, indirect cost, \$2 million.

Can you explain a little bit -- I'm sorry, a hundred twenty-four three. What are those indirect costs related to?

MR. LAVOIE: So the Class 40 -- thank you for the question. Steve Lavoie, Director of Administration. The Class 40 indirect costs are recovery of the administrative burden that the State -- that the state is responsible for when administering these funds. So those get passed on through Administrative Services to help us do a cost allocation plan.

CHAIRWOMAN UMBERGER: Follow-up.

SEN. GIUDA: How much of this is actually going to take care of projects that are hanging over from 2017 and subsequent disasters?

MR. LAVOIE: So all of the money that's being accepted here is related to the new disasters from July, the flooding in the western part of the state. So these funds are just going to support those funds -- those disaster pieces.

SEN. GIUDA: Thank you.

CHAIRWOMAN UMBERGER: Are there any further questions? Seeing none. Will the Clerk call the roll.

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

CHAIRWOMAN UMBERGER: Oh, I need a motion. Sorry.

SEN. GIUDA: I move the item.

SEN. D'ALLESANDRO: I'll second it.

CHAIRWOMAN UMBERGER: Senator Giuda moves and Senator D'Allesandro seconds.

REP. EMERICK: Roll call on 21-374. Representative Edwards.

REP. EDWARDS: Yes, to accept.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10 to zero.

CHAIRWOMAN UMBERGER: Okay. FIS 21-373 -- no, sorry -- 374.

SEN. D'ALLESANDRO: 374.

CHAIRWOMAN UMBERGER: Four, yeah, 374 is ten to zero.

***** {MOTION ADOPTED}**

AMERICA RESCUE PLAN 2021
CONSENT CALENDAR

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

CHAIRWOMAN UMBERGER: Okay. Moving on now to Tab 7. FIS 21-376, Department of Health and Human Services, authorization to accept and expend \$1,470,000 in Federal funds. Questions. Representative Rosenwald.

SEN. ROSENWALD: Thank you. I understand that this is funding for correction setting; but my question is, is it just for the State Prison or will this funding also be available to the county jails and maybe the federal prison?

MS. TILLEY: Thank you for that question, Senator Rosenwald. Again, Patricia Tilley, Director of Public Health. These funds will be primarily be focused on the county jail system. That is the group that needs the most support at this time.

SEN. ROSENWALD: Thank you.

CHAIRWOMAN UMBERGER: Are there any further -- are there any further questions?

****** SEN. D'ALLESANDRO: Move the item.

CHAIRWOMAN UMBERGER: Senator D'Allesandro moves FIS 21-376, and Senator Rosenwald seconds. Will the Clerk call the roll.

REP. EMERICK: Roll on 21-376. Representative Edwards.

REP. EDWARDS: Yes to accept.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10 to zero.

CHAIRWOMAN UMBERGER: FIS 21-376 passes 10 to zero.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: We now move to FIS 21-379, authorization to accept and expend \$73,307,508 in ARPA funds. Are there questions on this?

REP. EDWARDS: Madam Chair.

CHAIRWOMAN UMBERGER: I'm sorry, Representative Edwards.

REP. EDWARDS: I -- I would like if you could walk us through life after this federal F-MAP money runs out. It seems like, if I remember this program rightly, we're augmenting what we're able to pay our vendors with this federal money and at some point it's going to run out. What does that aftermath look like?

CHRISTINE SANTANIELLO, Associate Commissioner, Department of Health and Human Services: Sure, thank you for the question. Chris Santaniello, Associate Commissioner. So one of the -- that is a really good question and that's one of the things that we work with all of our community partners on that this is one-time money. So many of the community partners are working on bonuses, looking to see if they do salary enhancements, how do they maintain that long-term. And so that's all of the work that has to be done so that they don't set up expectations that they can't meet in the future.

CHAIRWOMAN UMBERGER: Follow-up.

REP. EDWARDS: So I appreciate that you're working to let them know this is one-time money. I'm just curious what -- what that means to work with them. Do we actually give them a short, simple, unambiguous statement on a document that says we're able to help you this one-time and please sign and send back to us your acknowledgement that you know this is one-time money?

MS. SANTANIELLO: So we have a attestation that each agency has to sign to make sure that the dollars get passed onto their employees. And I don't have the language in front of me. Hum -- but we do talk about it being one-time money. That is something we could add to it, if that would make you feel more comfortable.

REP. EDWARDS: I -- I just think it's just good to make sure we have a closed loop on the communication.

MS. SANTANIELLO: Yep.

REP. EDWARDS: And that if they come back to us we have something in writing that says, hey, you signed this, you knew it was one-time money. It's just easy to get addicted to cash, that's all.

MS. SANTANIELLO: Sure. Thank you.

CHAIRWOMAN UMBERGER: Are there any further questions?

REP. LEISHMAN: Madam Chair.

CHAIRWOMAN UMBERGER: Yes, Representative Leishman.

REP. LEISHMAN: Thanks, Madam Chair. Thanks for taking my question. So on Page 3 it talks about the minimum of 80% of the funding will be going out. Twenty percent, is that for your administrative costs or where's the 20% going?

MS. SANTANIELLO: No. Thank you for the question. Eighty percent has to go -- be passed on to the worker. So 20% could be used by an agency for the additional cost of the benefits, payroll taxes, or to put it into training and other ways to -- and recruitment efforts to gain more employees. So that's a minimum amount that has to be passed on to the worker in their paycheck.

REP. LEISHMAN: Follow-up, Madam Chair.

CHAIRWOMAN UMBERGER: Yes, go ahead, please.

REP. LEISHMAN: We all support, I guess, making sure that people want to be in their homes. They can stay in their homes versus going into a nursing home. So I found the language interesting, again, on Page 3. I didn't see case manager mentioned. However, in your application on Page 8, it does mention case managers for basically for home care. So I saw a disconnect between what the federal application said and what the Commissioner's letter said to us.

MS. SANTANIELLO: So for this first round of funding, it is going to the direct service providers. So people that are

actually in the home providing the direct service. Future allocations will include the case managers.

REP. LEISHMAN: Just a quick follow-up, Madam Chair.

CHAIRWOMAN UMBERGER: Yes.

REP. LEISHMAN: So why not the case managers in this?

MS. SANTANIELLO: Because there is a huge need to focus on the direct worker who's actually providing the direct service because there's a gap there. And one of the things we have noticed is where there's high turnover is in the direct service worker, where there's lack of ability to get people out of hospitals, because they don't have the right workforce. So this is really targeted on the direct service workforce at this moment in time. That does not mean that in an additional round, and Henry can talk about how the rounds work, that money can get passed on to that group.

REP. LEISHMAN: Okay. Thank you, and Thank you, Madam Chair.

CHAIRWOMAN UMBERGER: Senator Giuda.

SEN. GIUDA: Thank you, Madam Chair. Uh -- I'm piggy-backing off of Representative Leishman's comments. The case managers are the ones who coordinate the provision of this care. They work as hard, if not harder, in many cases than the providers. And I think it is an omission that is -- needs to be remedied, especially since it was stated in the letter that case managers are covered and, yet, here we say for some reason or other they're not important enough to participate in additional funding for their job of coordinating these people.

MS. SANTANIELLO: So I appreciate that comment. I'm actually a former case manager in my future life so I really appreciate the work of case managers. But I think in this round and, again, in our entire plan there's multiple phases to the work that we will be doing. There is a huge crunch and a huge need to focus on the direct support workforce, many of them who do not make a -- a decent living wage today. And everything we hear from our

providers are that they need to increase direct service workforce, not to say that there's other parts of the workforce that don't need attention as well.

SEN. DANIELS: Follow-up.

SEN. GIUDA: Thank you, Mr. Chairman, so to speak. When will this additional funding come?

HENRY LIPMAN, Director, Division of Medicaid Business Policy, Department of Health and Human Services: Thank you for the question, Senator. Henry Lipman, Medicaid Director for the state. Hum -- we're anticipating that the funding will come sometime between January and March 31st, the Phase I component in that time period. We are still working through some things with CMS on subsequent phases. So some of that could come to us at the tail end of that or in the, if you will, part of the balance of this State Fiscal Year.

SEN. DANIELS: Follow-up.

SEN. GIUDA: I think I heard you're not sure and we're hoping that it will come, and I didn't hear any assurance that case managers will be included definitively in the early part of this. I think it's reprehensible to exclude them.

MS. SANTANIELLO: We will include them in the second round of funding. And, as Henry said, that will come out, hopefully, end of April, beginning of May.

SEN. GIUDA: Hope is not a solution. I'm sorry, Madam Chair, but the exclusion of case managers I find to be something that I cannot support. Okay. And I don't see any data saying that they asked not to be included. I don't see any data that says they don't need the funds. I certainly respect the direct providers. My wife is a recipient of those services from direct providers. But the case managers need help as well, and I'm going to not vote for this unless case managers get included. Thank you.

CHAIRWOMAN UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Thank you. As I understand these waiver programs in the DD system, case management is included as part of their -- the work that they do. And it's only in the Choices for Independence Program that it's required they be independent and not also be service providers. So to the extent that we don't increase compensation for the independent case managers, isn't that just going to increase the disparity in payment?

MS. SANTANIELLO: No. Thank you for that question. Because the -- because of that specific reason we said in our plan and in our instructions that we'll send out it goes to the direct service worker, whether it's in an Area Agency or a CFI provider. So they cannot, because of that issue, they cannot pass these dollars on to case management.

CHAIRWOMAN UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Thank you. But 20% of the money can be used for the contracting organization's expenses itself. So indirectly isn't that funding case management in the DD System but not in the long-term care system?

MS. SANTANIELLO: I would see it as that, because we say that the money needs to go towards their workforce. So it would be around recruitment and retention and the cost associated with the 80% pass on.

CHAIRWOMAN UMBERGER: Senator Morse.

SEN. PRESIDENT MORSE: When I checked into this a month ago, I believe, on the DD side we were short about a thousand -- be able to take care of a thousand people. Is that correct?

MS. SANTANIELLO: That number is close to that amount. I do agree. I don't have the number right in front of me. But we are short on being able to serve people across the system in the direct care workforce.

SEN. PRESIDENT MORSE: So here's my point, 'cause I asked for the number. The number was delivered to me the next morning.

The point is when we look at the fact that we don't have a workforce in New Hampshire, one of the problems that came out of my asking these questions was direct service people allow people to go to work. It allows that person to keep their job every day.

MS. SANTANIELLO: Hm-hum.

SEN. PRESIDENT MORSE: And my question led to how are these families dealing with it. And they're staying home and they're giving up their job to do this. I think this is a starting point. I would agree, there's many areas that need to be covered here. But this is a big problem with the workforce in New Hampshire right now because these people are not able to go to work and they're staying home. And I think this leads to some part of solving a problem. I don't think it solves everything, but I certainly looked into it because of the DD community. And I -- I think -- I would ask the Committee if there's another issue to keep going on let's get it done. I mean, we have a billion dollars sitting in New Hampshire. We can put it to work if we have to; but this is definitely needed.

MS. SANTANIELLO: And I thank you for that comment, Senator. I agree. And -- hum -- also on the Choices for Independence side there are people sitting in hospitals that cannot get out due to lack of a direct care workforce to provide them with the support of services to free up hospital beds.

CHAIRWOMAN UMBERGER: Thank you. Are there any further questions?

****** SEN. ROSENWALD: Move approval.

CHAIRWOMAN UMBERGER: Representative Edwards.

REP. EDWARDS: Thank you, Madam Chair. I've got a couple math questions for you just to help me understand.

MS. SANTANIELLO: That's going to be Henry then.

REP. EDWARDS: I don't know if you've done the math and if Miss Rounds is still here, maybe she can keep us honest. But I just -- I want to know if I'm looking at this right. I just heard Senator Morse say there's a thousand people in the population being served.

SEN. PRESIDENT MORSE: Huh-uh.

REP. EDWARDS: No?

SEN. PRESIDENT MORSE: That's DD.

REP. EDWARDS: Just in DD. Okay. Because I did the quick math and that looked like we were spending \$73,000 per beneficiary, and I just am curious to get the ratios.

SEN. D'ALLESANDRO: Chairman Umberger, Senator Morse.

SEN. PRESIDENT MORSE: Just to show you how this -- and there is a huge problem in New Hampshire in every category. It wasn't long ago we were talking about these people getting \$11 an hour. I think we boosted them up to \$16 an hour or some number around there. I'm not sure what this number does to that 16, but anything's going to help.

MS. SANTANIELLO: Correct. And there's a range of what people are paid and this will be an additional payment that agencies can provide to keep their employees. When you see what other places are offering as starting wages and this is a really hard job. And so agencies have to compete.

REP. EDWARDS: So follow-up.

CHAIRWOMAN UMBERGER: Representative Edwards.

REP. EDWARDS: Okay. So just further detail on what you just said. I -- I realize there's a range and all, but can you -- can you give us sort of a spit ball ballpark kind of number to say for an individual worker this is probably going to be something like 500 a month, a thousand a month? Any sort of number to make it human.

MR. LIPMAN: Representative Edwards, thank you for the question. I think that I'd just like to give you some context first of what 76 represents -- excuse me -- 73 million represents in the context of HCBS services that we pay for. We're doing about 400 million a year. So it's, you know, that's just to give you some context of how the 73 falls into that. It's less than ten percent. So if it were to apply directly, you know, the most it could be is 10%. But agencies will have flexibility to make the decisions that makes most sense for them, whether it be recoupment bonus, a career ladder type situation, recruitment incentive.

So I think it is one-time money and that's, I suspect, that rather than being an increase in hourly wages, not to say it couldn't be, but that they'll probably pay it out in a way that doesn't commit them to a long-term expense that they don't have funding for.

REP. EDWARDS: Well, thank you for that. Can you hazard a guess whether this is going to feel like 500 a month to them? It's starting to sound like it. No? Could you get that for me later? Just, you know, I'm not looking for precision. I'm just looking for a ballpark because I have constituents where it's easier to tell them what this means on an individual basis 'cause people can relate to that.

MS. SANTANIELLO: Yeah, I agree, and each agency will have to give us a plan with that detail before the money is released to them. So we can pull that together.

REP. LEISHMAN: Madam Chair, I have one follow-up.

CHAIRWOMAN UMBERGER: Yeah. Just a moment. Please make sure you send that to Mr. Kane.

MS. SANTANIELLO: Yes, thank you.

CHAIRWOMAN UMBERGER: Okay. Thank you. Representative Leishman.

REP. LEISHMAN: Thanks, Madam Chair. So in the packet that was provided to us there was a number of supportive letters from different agencies and others. There was one from the Dupont Group that was sent to the Commissioner in your packet. Kind of disturbing what it said that the involuntary waitlist for beds in 2021 is below what it was in 2011. And it goes on to say that the Governor's proposed budget and the Legislature authorized the funding of 75 new beds. For a variety of reasons, the State did not appropriate those dollars. Maybe you don't know the answer now, but I would really like to know what's the story there. Because it was in your packet as one of the supportive documents, and it appears that something was in the budget for the 75 beds but for some reason it was not appropriated.

MS. SANTANIELLO: So we can get you that information. I don't have it. I'll ask Katja Fox to follow-up. Thank you.

REP. LEISHMAN: Okay. Thank you. Thanks, Madam Chair.

CHAIRWOMAN UMBERGER: Are there any further questions? Could I have a motion?

****** SEN. ROSENWALD: Move approval.

REP. EDWARDS: Move the item or second.

CHAIRWOMAN UMBERGER: Senator Rosenwald moves approval. Representative Edwards seconds. And that's with the understanding we have two questions that you will get back to us on. Senator Giuda.

SEN. GIUDA: Thank you, Madam Chair. For the record, there will be a pay increase for CFI case managers in the next tranche that comes from the federal government?

MS. SANTANIELLO: It will not be a pay increase. It'll be dollars to the CFI to all case managers --

SEN. GIUDA: Right.

MS. SANTANIELLO: -- in both systems for that. But I'm not going to say a pay increase. It'll be -- it'll be money just like this where they have to pass the money on. However, the agency chooses to do it that makes the most sense for them because it is not sustainable dollars.

SEN. GIUDA: All right. So that would include private case management?

MS. SANTANIELLO: The independent case managers, yes. Yep.

SEN. GIUDA: So I'm going to say for the record that based upon Senator Morse's perspicacity in his remarks, that I will support this motion given the desperate need that we have. I just think it's important that we realize that our case managers are equally needful. Thank you.

CHAIRWOMAN UMBERGER: Okay. We have a motion and a second on FIS 21-379. Will the Clerk please call the roll.

REP. EMERICK: Representative Edwards.

REP. EDWARDS: Yes, to accept.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10 to zero.

CHAIRWOMAN UMBERGER: FIS 21-379 passes on a vote of 10 to zero.

***** {MOTION ADOPTED}**

REP. EDWARDS: May I make a quick comment about that vote. I -- I -- it just feels to me unavoidable that we're going to end up with a General Funds obligation when this money runs out. These are going to be critical workers brought in to do a critical job making more money in the past than they will in the future. So I -- from a General Funds perspective, I just want the Finance Committee to realize this is probably a new bill.

CHAIRWOMAN UMBERGER: We now turn to FIS 21-389, and this is authorization to accept and expend \$846,805 in ARPA funds. Are there any questions? Represent -- Senator Rosenwald.

SEN. ROSENWALD: Thank you. I do have a few questions. Good morning. It is still morning. If I remember the budget, the Department asked for 32 youth counselors, and we ended up funding them or it was a previous Fiscal item that we had 32 youth counselors. Are you ask asking for a total now of 50 for something like 14 kids?

JOSEPH RIBSAM, Director, Division of Children, Youth and Families, Department of Health and Human Services: Hi! Joe Ribsam, Director of DCYF for the record. I'm not quite sure what you're referring to in the 32 youth counselors. There were -- I'm trying to get the numbers right -- I believe something like 80 on the books at the end of the last budget cycle. And there was a reduction in the overall SYSC budget going into this Fiscal Year. That number was reduced to a total of 47 funded positions for youth counselors of which currently about 30 are filled and I think one is out on leave. We need about 40 something, 47 to safely really operate that building.

SEN. ROSENWALD: For 14 kids?

MR. RIBSAM: Today we have 14 kids there. Those 14 kids include one that requires 2-to-1 supervision around the clock because she has some -- the youth has some very intensive needs and we have been unable to move that young person into a higher level behavioral health facility that that young person really needs because of the scarcity of those programs. We have a couple other youth that require 1-to-1 supervision around the clock.

When you combine all of those individual 1-to-1 and 2-to-1 and then you also add in the need to have regular youth counselors to work with the youth who are in units on a regular basis, and for every new admission young people have to stay in the medical unit pending the results of their COVID test. That has increased the number of staff that are required on a given shift at any time. The young people over there today are very, very high needs.

CHAIRWOMAN UMBERGER: Follow-up.

REP. ROSENWALD: Thank you. So if we've had a need for a total of more than 50 youth counselors --

MR. RIBSAM: Forty-seven.

SEN. ROSENWALD: Forty-seven youth counselors, it's my understanding that probation officers have been getting overtime

and filling those slots. Is the Department going to be reducing the overtime?

MR. RIBSAM: Yes.

SEN. ROSENWALD: That's not part of the item, is it?

MR. RIBSAM: Well, the overtime that the JJPOs earn is in the regular State Budget. This item is around having a contracting agency to be able to recruit and bring in temp workers with a temp to perm option to, hopefully, fill those positions in the long-term with youth counselors.

Paying juvenile probation officers, one, it's much more expensive than paying youth counselors. Those folks make much more than a youth counselor in regular time, and then you throw in the overtime it's much more expensive. In addition, the youth counselors are tired. We've had to have youth counselors working overtime shifts there since the first round of layoffs when I first moved to this state a couple years ago. It's been a really tough situation for a long time and right now it's worse than it's ever been.

SEN. ROSENWALD: Thank you.

CHAIRWOMAN UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: So the reason we have some kids who have really severe mental illness at Sununu is because the Department's contract with Hampstead means that Hampstead won't accept them. Are you training these youth counselors to be able to treat kids who are psychotic?

MR. RIBSAM: We're trying -- we're trying our best to. This is not a facility that was originally intended to serve that population. We do have a part-time psychiatrist and a full-time psychologist there and clinicians from Dartmouth who work with young people on a regular basis and they work with our youth counselors and have provided training around the escalation and other things, but it's sub optimal. The ideal place for some of these young people would be a more acute hospital setting.

SEN. ROSENWALD: That's it for now. Thank you.

CHAIRWOMAN UMBERGER: Okay. Senator D'Allesandro.

SEN. D'ALLESANDRO: Thank you, Madam Chair. Just a follow-up on what Senator Rosenwald asked.

CHAIRWOMAN UMBERGER: Is your mic on?

SEN. D'ALLESANDRO: I think so. Is it on?

CHAIRWOMAN UMBERGER: Now it is, yeah. Thank you.

SEN. D'ALLESANDRO: Thank you. First of all, thanks for coming. We appreciate your work. Is it the intent to move these -- these students or these kids to Hampstead Hospital? I mean, the idea is to purchase New Hampstead Hospital -- Hampstead Hospital which has an allocation for 100, I think 111, right? Aren't they certified for 111? And can Hampstead handle these very difficult -- these difficult students, difficult patients?

MR. RIBSAM: Yeah, I mean, to get into the depth of that answer, I think, you know, Commissioner Shabinette or Katja Fox or maybe Heather Moquin be better to answer that because they're going to be overseeing that work. But, yes, my understanding is that with the acquisition of Hampstead Hospital there's going to be an increase in availability which will, hopefully, I believe, will allow us to make sure youth are where they're best served.

Right now the scarcity in the system which you see in all different places, right, you're seeing in ED boarding issues and everything else, we see it with young people coming into foster care who need places to go. It's hitting all parts of the system right now. And that's why SYSC is just one of the places where we're seeing it play out.

SEN. D'ALLESANDRO: One further question. So the plan is to really close down the Sununu Center; correct?

MR. RIBSAM: I believe the plan is there's a -- there was a Committee that met this fall who looked at the plan to close and replace the Sununu Center. There was a report that that Committee issued. Senator Daniels chaired that Committee. Representative Edwards was on that Committee. There was a report that was commissioned or that was released in, I guess, early November, late October, on that.

SEN. D'ALLESANDRO: Okay. Thank you, Madam Chair. Thank you.

CHAIRWOMAN UMBERGER: Senator Morse.

SEN. PRESIDENT MORSE: Yeah, I just want to make the point clear because this Committee asked for a presentation and to be involved in the process. When we left here, I think two weeks ago, I met with the Commissioner, and I was assured that that was coming to myself shortly. I met with the Governor and asked for the same thing. I don't think we're prepared to be publicly talking about this at this point in time, because there's a lot of things that come into what you're discussing that I'm not sure whether this Committee agrees to it or not. I mean, with construction and everything else. So I don't think we're there yet. And if somebody's moved ahead that far without coming to us, I think that would be a mistake, and I made that clear, so.

CHAIRWOMAN UMBERGER: Representative Edwards.

REP. EDWARDS: Thank you, Madam Chair. This is sort of a consistent question I ask of these things and that is on Class 074 for the information technology that's meant to develop and implement on-line reporting system and to -- and for automation for the State Registry. Do you have an estimate of how much money is going to go into 074? Is it in here?

MS. ROUNDS: I think you're on a different item.

REP. EDWARDS: Oh, am I? Boy, am I going to be prepared for that item though.

CHAIRWOMAN UMBERGER: Okay.

REP. EDWARDS: I withdraw my question.

CHAIRWOMAN UMBERGER: Are there any further questions?
Represent -- Senator Rosenwald.

SEN. ROSENWALD: Thank you. It's really more a comment. I may be the only person, but I'm not prepared to vote for this. Thank you. We're already spending almost a million dollars a year per child and the recidivism rate is high. There are kids who shouldn't be there. Probably most of them. And I just think when we're looking at closing down Sununu (Inaudible) I'm uncomfortable spending more money on (Inaudible) children there.

CHAIRWOMAN UMBERGER: Is that a motion to table?

SEN. ROSENWALD: Yes.

SEN. DANIELS: Second.

SEN. ROSENWALD: (Inaudible).

CHAIRWOMAN UMBERGER: Okay. Senator Daniels seconds that motion. Will the Clerk please call the roll.

REP. EMERICK: Okay. Motion is to table -- motion to table 21-389. Representative Edwards.

REP. EDWARDS: Yes, to table.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10 to zero.

CHAIRWOMAN UMBERGER: On FIS 21-389 the vote to table was 10-0.

***** {MOTION TO TABLE ADOPTED}**

MS. ROUNDS: May I ask a question?

CHAIRWOMAN UMBERGER: Yes, you may.

MS. ROUNDS: What is the follow-up questions for the Committee to address this item?

CHAIRWOMAN UMBERGER: I think if I'm listening to everything correctly there's -- there may not be any specific questions to be answered, but rather more of a general idea that as the Fiscal Committee we're not sure that -- that the operation is as it should be and that there are other options with the children that if there aren't, then you need to explain to us why they're

not. So, anyhow, it's -- it's more that we just aren't ready to put additional dollars into the Sununu Center. Did I read that correctly?

REP. EDWARDS: I would say yes. I would agree with what you said, but I would add just a little bit of more detail. My curiosity about this is that I think the Senate contribution in the Committee of Conference to the closure of the Sununu Center was to fully fund the first year of the biennium and very little in the second year. And this looks like it's first year personnel money and I just would be curious why what was in the budget wasn't adequate.

CHAIRWOMAN UMBERGER: Okay. Well, that's kind of where we are.

MS. ROUNDS: Okay. So what I will do is I will work with Director Ribsam to put together some additional information to provide to you. I will also connect with the Commissioner who is back on Monday. But please do not be surprised if we put in a request to have a meeting sooner than your next meeting in January to address this item because there is a critical need at the Center.

CHAIRWOMAN UMBERGER: So if I'm hearing you correctly, the \$10 million that was appropriated in the budget is now 846,805 short.

MS. ROUNDS: So yes. Yes.

CHAIRWOMAN UMBERGER: That's what you're telling me.

MS. ROUNDS: It's not that there won't be lapse from here, but this is what we need to address an issue that we have today, and I will make sure to include financial information in that as well.

CHAIRWOMAN UMBERGER: Senator Morse.

SEN. PRESIDENT MORSE: Yeah. I guess -- well, first of all, that's not what my question was. Joe certainly was headed down a

pike that I was concerned about and that was Hampstead, and a lot's being suggested here today. But if I remember the numbers correctly on how much was spent at the Sununu Center in a year, it would be incredible that we blew through 10 million in six months.

MS. ROUNDS: I don't think the appropriation was \$10 million. Just to be clear. I believe it was something less than that. I think the total appropriation may have been including Federal funds but the General Fund was something less. And I'm not sure that we're receiving all of those Federal funds that were in there. So I will do a full accounting and get the information back to you. And, yes, I suppose you're right. I could use funds that are allocated for the next six months today, but then I'm going to have to come back when I'm out of money and then we either, what, close the Center? I mean, at some point there's an issue. So I will go through and provide more information.

CHAIRWOMAN UMBERGER: Okay.

MS. ROUNDS: I don't think we're going to solve it today.

CHAIRWOMAN UMBERGER: No, we're not. Okay. Moving on to FIS 21-390. This is a GOFFER request to accept and expend an amount of \$411,241 for rental assistance, housing stability services. Yes, Mr. Caswell, please.

MR. CASWELL: Taylor Caswell with GOFFER.

CHAIRWOMAN UMBERGER: So are there questions on this from -- for Mr. Caswell? Representative Edwards.

REP. EDWARDS: Thank you, Madam Chair, and thank you for taking my questions. I -- I -- because of where I'm going I just want to say upfront that I served in Afghanistan for nearly a year training Afghans directly on a day-to-day basis. And I view what we're doing with this resettlement to be as much a rescue mission as a resettlement. So -- so I'm -- I'm in favor of the effort. We just have a problem. And I want to read from -- for you, Mr. Kane, if this could go into the minutes, that would be

great. I'll send you the verbiage later, but I want to just quote something that the advocates building lasting equality in New Hampshire Able-NH sent us is a fact. And the fact that they shared with us was that the agency's consolidated plan between now and '25 said there was a shortage of at least 20,000 units to meet the current demand. And this is not the only organization that comes to the Legislature talking about money that they need from the state to help them with rent, supports and the like. And I -- I just think we're full. And I -- I get that we've committed to the Federal Government for up to 250 people, I think, and I wouldn't change that commitment, but I just can't emphasize enough that we have no housing. And to continue to pump people into New Hampshire with this housing problem I think is just a real issue. And so my question is what -- what are you saying and what are you thinking about the availability of housing in the right cities for this population given that they need translation support and other kinds of support?

MR. CASWELL: Uh -- Representative, I would say that the funds that are being requested here are to support refugee service organizations, and it will represent a portion, I believe, of the funding that they are receiving from the Federal Government to assist with the re- settlement of these individuals.

We're using funding from rental assistance programs that we are currently operating in the state to help provide housing support services for those individuals as part of that effort. So while it might not be specifically in the end providing them a unit of housing, and I don't disagree with your -- with your representation of the situation of our vacancy rates in New Hampshire. They are extremely low, and it's an ongoing issue, for sure. But I think that these -- these funds will be used primarily for the support services that go with helping to find funding and support and the translation services that are involved there. So I do not believe, and I might be incorrect with this, but I do not believe this represents the full slate of the funding that comes with these individuals.

CHAIRWOMAN UMBERGER: Follow-up.

REP. EDWARDS: It was my understanding from watching press conferences that the Federal Government had at least verbally committed to paying 100% of all resettlement costs. Do you think that this request for funds is an exception to that promise or do you think it's consistent with that promise?

MR. CASWELL: I'm not sure the answer to that question, Representative. The -- the firm dedication of the percentage of resources that are coming with these individuals from Washington is not something that I'm immediately familiar with.

REP. EDWARDS: Fair answer.

CHAIRWOMAN UMBERGER: Are there any further questions?
Senator Giuda.

SEN. GIUDA: Thank you, Madam Chair. I note for the record that it's at least 250, not 250 as a cap.

MR. CASWELL: It's up to 250.

SEN. GIUDA: Well, the language says at least 250 individuals expected to arrive in New Hampshire. So it's an open-ended commitment. Again, I'm going to get into an area that's politically dangerous here and it bears mentioning.

CHAIRWOMAN UMBERGER: Make it quick.

SEN. GIUDA: Because having been to the Middle East and having been to Southwest Asia, okay, there are significant cultural differences with respect to the treatment of women -- hum -- with respect to law, and these things we cannot go into this with our eyes closed. There is the potential, I'm not saying it will happen, but there is the potential for risk in public safety by accepting single male Afghanis. I'm not saying it will happen. I'm saying it has happened in other nations that have done this. And so this is something we need to consider. We can't keep our eyes closed. Yes, it's rife with political risk. I would rather take that risk so that our citizens are aware that while we're trying to do the right thing

in a humanitarian sense, we are also incurring the possibility of risk to public safety in certain areas where cultural differences are significant. Thank you, Madam Chair.

CHAIRWOMAN UMBERGER: Okay. Are there any further questions? Seeing none. Could I have a motion to accept?

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

REP. LEISHMAN: Second.

CHAIRWOMAN UMBERGER: Senator D'Allesandro moves. It's seconded by Representative Leishman. Will the Clerk please call the roll.

REP. EMERICK: Representative Edwards.

REP. EDWARDS: Housing crisis makes me vote no.

REP. EMERICK: Representative Emerick votes yes.
Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

CHAIRWOMAN UMBERGER: He stepped out.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: No.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 7 to 2; seven yes, two no.

CHAIRWOMAN UMBERGER: The vote is seven in favor and two opposed. Thank you.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: We now move on to FIS 21-392, authorization to accept and expend \$136,368 in federal ARPA funds.

Representative Leishman, I believe you had some questions on this.

REP. LEISHMAN: Thank you, Madam Chair. You've heard us ask before, I think, do you have any success rates or any positive things that you can report because we've done this before, but we never seem to get any follow-up. Or can you get that to us at some point?

MR. CASWELL: With regard to this particular program at the conclusion of it? Is that what you're asking?

REP. LEISHMAN: Yes, the substance use disorder treatment. What's going on there? We've seen these requests all the time, but we've never seen whether it's from you or some other agency what the success rate is.

MR. CASWELL: I would say in the aggregate as it relates to that I would have to defer to my colleagues at Department of Health and Human Services. With regard to this particular program, this is designed to, I think, provide some further potential benefit and guidance and study of outcomes related to a specific type of diagnosis in that category.

REP. LEISHMAN: Thank you. Thank you, Madam Chair.

CHAIRWOMAN UMBERGER: Hopefully, we'll over the next few days receive from LBA at least the dollars in each of the various categories and that will then, I think, allow us to pursue the questions that Mr. Caswell doesn't have an answer for. It's the first time I've ever known him not to have an answer.

MR. CASWELL: You got me, Representative.

CHAIRWOMAN UMBERGER: Okay. Hum -- could I have a motion to accept?

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

CHAIRWOMAN UMBERGER: Okay. Senator D'Allesandro moves the item. Do I have a second?

SEN. ROSENWALD: Second.

CHAIRWOMAN UMBERGER: Senator Rosenwald seconds. Will the Clerk please call the roll on 21-392.

REP. EMERICK: Representative Edwards.

REP. EDWARDS: Yes.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. LEISHMAN: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 10 to zero.

CHAIRWOMAN UMBERGER: Thank you. FIS 21-392 passes 10 to zero.

***** {MOTION ADOPTED}**

(9) Miscellaneous:

(10) Informational Materials:

CHAIRWOMAN UMBERGER: We move on now to a late item, FIS 21-394, submitted by the Department of Health and Human Services in the amount of \$4,004,000 used to pay for testing at the

University of New Hampshire lab. Are there any questions on this? Seeing none.

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

CHAIRWOMAN UMBERGER: Okay. Senator D'Allesandro moves. Do I have a second?

SEN. GIUDA: Second.

CHAIRWOMAN UMBERGER: Oh, Senator Giuda. Thank you very much. Would the Clerk please call the roll.

REP. EMERICK: Representative Edwards.

REP. EDWARDS: Yes.

REP. EMERICK: Clerk votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is ten yes to no.

CHAIRWOMAN UMBERGER: On FIS 21-394 the motion passes 10 to zero.

***** {MOTION ADOPTED}**

(8) RSA 177:2, Closing of State Stores:

CHAIRWOMAN UMBERGER: Tab 8 is FIS 21-380 with the Liquor Commission requesting approval to close a liquor store and reallocate the indirect cost.

REP. LEISHMAN: I have some questions. Oh --

CHAIRWOMAN UMBERGER: Okay.

REP. LEISHMAN: I guess I'll yield to Senator Rosenwald.

SEN. ROSENWALD: (Inaudible).

CHAIRWOMAN UMBERGER: Okay. Is someone here from the Liquor Commission, please? Please come forward. I'm sorry.

JOSEPH MOLLICA, Chairman, New Hampshire Liquor Commission: Good morning, Madam Chair. For the record, Joe Mollica, Chairman of the New Hampshire Liquor Commission. Good morning.

CHAIRWOMAN UMBERGER: Good morning. Welcome.

MR. MOLLICA: Thank you.

CHAIRWOMAN UMBERGER: Senator Rosenwald, I believe Representative Leishman yielded to you.

SEN. ROSENWALD: Thank you. This affects my district so I read it carefully, and I know exactly where that store is and I'm aware that there's a significant retirement community right next to it, and a lot of people in Nashua who don't have cars. And -- hum -- so I'll be voting no on this item because I think it's a hardship for the people of Nashua, the elderly and people who are low enough income that they don't have cars. So it wasn't really a question.

MR. MOLLICA: Okay.

SEN. ROSENWALD: Thank you.

MR. MOLLICA: Thank you.

CHAIRWOMAN UMBERGER: Thank you. Representative Leishman.

REP. LEISHMAN: Thanks, Madam Chair. I don't live in Nashua, but I've seen, I think, in the past kind of a disturbing trend where we're closing the smaller, less mega liquor stores. I think, recently we saw that you closed Derry.

MR. MOLLICA: I'm sorry, what town was --

REP. LEISHMAN: Derry.

MR. MOLLICA: Derry, that's correct. Yeah.

REP. LEISHMAN: And what concerns me we're getting this notification that the store was closed on December 1st -- hum -- and now it's well past that date. I'm guessing that you were made aware of the landlord's intentions well before December 1st. I'm just hoping that maybe in the future we could get notice and a little more information, because there's actually nothing on here as far as the revenue or expenses from that store. And, again, I see us putting up these mega stores that I believe at the expense of a lot of the smaller communities or a city like Nashua, where so many people

visited that store at, what, Simoneau Plaza I think it was located. But thanks. Thanks, Madam Chair.

MR. MOLLICA: Thank you.

CHAIRWOMAN UMBERGER: Anyone else? I do have a question, and that concerns what action after -- after you learned that the landlord didn't want to renew your lease, what action did you take in this area to try to find another place to open? I mean, I'm not familiar with the layout of the community.

MR. MOLLICA: Sure.

CHAIRWOMAN UMBERGER: Or, you know, what else might be available there. But it sounds like there probably should have been other store fronts that you could operate from.

MR. MOLLICA: Well, there was considerable action taken, Madam Chair. The landlord and the Commission had a long-standing relationship. The gentleman who originally owned the plaza I believe passed away and left the properties to his son. The son decided to lease that property, a number of the stores there --

CHAIRWOMAN UMBERGER: Excuse me.

MR. MOLLICA: Sure.

CHAIRWOMAN UMBERGER: I'm not talking about what happened with the property.

MR. MOLLICA: Okay.

CHAIRWOMAN UMBERGER: I'm talking about what did you do to try to find --

MR. MOLLICA: Certainly.

CHAIRWOMAN UMBERGER: -- a replacement?

MR. MOLLICA: I think I was trying to build up to that for you.

CHAIRWOMAN UMBERGER: Okay. All right. Thank you.

MR. MOLLICA: You're welcome. So in doing that over the past year Andy Davis, our real estate administrator, has looked with and sought out a number of properties in that area. And what we're looking for is something around 12,500 to 15,000 square feet.

The City of Nashua does have three other large liquor stores in the City. This one to the Representative's comments serves the Downtown area, and we continue to look in that area for a store, as well as one of the other stores in Nashua that we'll be rehabilitating soon, will be renovated as well. So this store currently is closed. And it's closed not due to our inability to renew the lease there, it's also due to our inability to find a suitable home for our next store; but we're continuing to look.

CHAIRWOMAN UMBERGER: Okay. Hum -- I -- I -- I agree with Representative Leishman that you -- you can't close a store until you get our authorization. So don't do that again, please.

MR. MOLLICA: Well, I think -- I think in this circumstance respectfully, Madam Chair, we didn't have the ability to keep the store open because we didn't have a lease in place.

CHAIRWOMAN UMBERGER: I got all that.

MR. MOLLICA: Okay.

CHAIRWOMAN UMBERGER: But you could have told us that in November or October, because you knew that was happening. So in the future, if you would, we will not retroactively approve the closure of liquor stores.

MR. MOLLICA: That's fine. So noted.

CHAIRWOMAN UMBERGER: So we just need to get that straight. Senator Giuda.

SEN. GIUDA: Thank you, Madam Chair. I'm trying to find where the funds are going. I don't -- I see numbers, but I don't see what, you know, is this indirect costs for a new store? I'm not sure that what's provided is -- is answering any questions I might have.

MR. MOLLICA: Okay. We'd be happy to provide you with everything as to where those indirect costs go and the indirect costs for the stores.

SEN. GIUDA: So is this an indirect cost for closure of the store downtown or are these indirect costs related to the maintenance of the other stores?

MR. MOLLICA: That -- I believe that is the indirect cost for the closure of the store that we're looking at. I don't have numbers in front of me. Sure.

CHAIRWOMAN UMBERGER: But, if I might Senator Giuda. These are -- these are dollars that will need to be reallocated to the other liquor stores. I think that's what -- what I understood.

ROSEMARY WIAN, Chief Operating Officer, New Hampshire Liquor Commission: Hum -- I can -- perhaps I can help a bit. Rosemary Wiant. I'm the Director of Administration.

The indirect cost report that you see here, actually it doesn't change based on store closings or openings. It's a reflection of all of the costs basically at headquarters that are not directly attributable to store specific operations but go to support the stores in the back end.

MR. KANE: Madam Chair, I'm sorry. After Senator Giuda.

SEN. GIUDA: So exactly how much are you asking for?

CHAIRWOMAN UMBERGER: There's no ask.

SEN. D'ALLESANDRO: There's no ask.

SEN. GIUDA: There's no ask.

MS. WIANT: There's no ask.

SEN. GIUDA: What's the purpose of the report?

MR KANE: Sure, could I clarify something, Representative Umberger?

CHAIRWOMAN UMBERGER: Yes, please.

MR. KANE: Sure. So the Liquor Commission does have the statutory authority to close stores as needed to maintain profitability of their operations. They do submit a report to Fiscal Committee within 30 days of the closure on why they closed it.

Fiscal Committee's authority is limited to approving the reallocation of their indirect cost, indirect cost being operating costs and administrative costs, as long as that's submitted to Fiscal within 30 days of the closure, which this item is. So I can talk to Liquor after relative to any additional information I can share with the Committee relative to this store and other stores.

CHAIRWOMAN UMBERGER: Okay. So their request is to reallocate some amount of money associated with the store.

MR. KANE: Yes. They -- they have a indirect cost allocation plan that they work with their people to allocate each share to each individual liquor store on their operating costs. So when you lose a store that's, obviously, going to shift the burden to the other stores that are open. And so this just allows them on the back end to reallocate that to the stores as proper. But no change in cost, no additional cost. Same costs that were always there, just to reallocation.

CHAIRWOMAN UMBERGER: But we don't know what the reallocation is to each of the stores.

MR. KANE: And I can get from Liquor what was allocated to this Nashua store that was closed. What was the amount of the indirect cost.

CHAIRWOMAN UMBERGER: Okay.

MR. KANE: And then I can give that -- send that to the Committee Members so you know what the value of that is.

CHAIRWOMAN UMBERGER: Yeah, sure. I think all of us are unhappy.

MR. KANE: Okay.

SEN. D'ALLESANDRO: Well, if I might, Madam Chair. I think unhappiness is probably an overstatement. I think the Commission does a great job of what we tell them to do. We tell them to go out and move product and bring a certain amount of revenue to the State of New Hampshire. Now in this case Nashua loses out. I have empathy for Nashua because they closed a store in Downtown Manchester in the same way. But I've talked with the Commission about this, and they've tried to work with me and get things done. But I think we can never, ever set aside the fact that they do an outstanding job of what the Legislature asks them to do. It's -- it's part of our DNA. We became a control state in the twenties. We're the second largest control state in the United States. Our point-of-sale profit is the highest in the country. Got to give credit to somebody for doing that.

In this particular situation, he's got to work harder to fulfill the obligation for Nashua; but he's fulfilling the obligation for the State of New Hampshire and for that I thank him and I thank the Commission for their -- for their work. I think the competition is -- is unbelievable. Unbelievable. Those of us who look at the local papers see these full page ads by competitors know full well what competition's all about.

So I think they're doing a good job in this particular situation. The report could have come sooner and I think he recognizes that and will do so in the future. But can't let it go by without saying that the job they do is outstanding, and

I'll stand behind that. And I'm a non-drinker, Joe. So I can say --

CHAIRWOMAN UMBERGER: So you're not --

SEN. D'ALLESANDRO: I'm not helping you make any profit.

CHAIRWOMAN UMBERGER: You're not contributing.

SEN. D'ALLESANDRO: I apologize for that.

MR. MOLLICA: Thank you, Senator. Thank you.

CHAIRWOMAN UMBERGER: Senator Morse.

SEN. PRESIDENT MORSE: Yeah. I just want to point something out on the house side. The -- one of my favorite finance members is gone so I didn't think we were going to have these kind of debates with Liquor anymore. Went overlap. In any case, I can see why people would be upset in this case. But, you know, we put -- I agree with Senator D'Allesandro. You know, we expect an awful lot of money to come out of this Department. So I think we should be talking like businesses when we deal with this Department, because it's a huge revenue producer.

But, in any case, can I just point out one thing 'cause I -- I just wanted to make sure I wasn't crazy and Kevin Ripple just responded. It looks like on the Sununu Center, we funded '22 at 10.4 million. That's what he just sent over to us.

CHAIRWOMAN UMBERGER: Hm-hum, yeah. I was just reading from HB 2. Okay. So was that a motion to approve?

****** SEN. D'ALLESANDRO: I'll approve the -- move approval.

CHAIRWOMAN UMBERGER: Senator Morse seconds.

SEN. PRESIDENT MORSE: Yes.

CHAIRWOMAN UMBERGER: All right. Could we -- the Clerk call the roll.

BOB LYNN, State Representative, Rockingham County, District #07: Madam Chair, Representative Edwards asked me if I would substitute for him.

CHAIRWOMAN UMBERGER: Okay. Fine, thank you.

REP. EMERICK: Representative Emerick votes yes.
Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: No.

REP. EMERICK: Representative Long.

CHAIRWOMAN UMBERGER: Long? Lynn.

REP. EMERICK: Lynn.

SEN. D'ALLESANDRO: Lynn.

REP. EMERICK: I'm just reading what it says here. Bob, what do you think?

REP. LYNN: Yes.

REP. EMERICK: Senator Daniels.

SEN. DANIELS: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Giuda.

SEN. GIUDA: For the record, I don't drink any more or any less. Yes.

REP. EMERICK: Senator Rosenwald.

SEN. ROSENWALD: No.

REP. EMERICK: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is eight yes to two no.

CHAIRWOMAN UMBERGER: Okay. FIS 21-380, the vote is eight in favor and two opposed.

***** {MOTION ADOPTED}**

(11) Audit Informational Materials:

CHAIRWOMAN UMBERGER: Hum -- I'm going to change the order here just a little and -- hum --

REP. EMERICK: Is Education due up here?

CHAIRWOMAN UMBERGER: Yeah. Ask if DOE would come forward. Thank you for being so patient. And learned a lot today about any number of things. So we have asked for a briefing on the Education Freedom Accounts. And we were provided right before the meeting some information. Some of it we've seen before and so if you would let us know what's happening.

FRANK EDELBLUT, Commissioner, Department of Education: Great. For the record, Frank Edelblut, Commissioner of Education.

MCKENZIE SNOW, Division Director of Learner Support Department of Education: McKenzie Snow, Division Director of Learner Support, and there are copies available here as well.

MR. EDELBLUT: So in the Education Freedom Account Fact Sheet packet that I handed out to you, let me just kind of review with you the information that you have. The first page is just a summary of basic facts about the program that I'll be reviewing with you. The next section of that report includes a town by town list of the students who have enrolled in the Education Freedom Account program for you to be able to take a look at. And then the third section, which is information that is new from previous information that we reviewed with the Legislative Oversight Committee, includes a list of education service providers as of December 15th.

Just as a quick overview of the program in terms of how it is functioning. It is available to New Hampshire students and families that earn 300% of the Federal Poverty Level or below who are eligible. Basically, what happens is we provide the State Adequacy Funding for those students to those families on a means tested basis to be able to direct those funds to the education programming of their choice. And today's discussion, again, I'm going to follow-up relative to some of the enrollment information, the town by town information, if you have specific questions, as well as some of the education service providers.

So in the first period of enrollment that cutoff on October 1st, we received 2,000 -- around 2,200 applications to participate in this program. Two hundred thirty-four of those were rejected because they did not meet the eligibility criteria. They were over 300% of the Federal Poverty Level. About 1700 of those applications were qualified and eligible to participate in the program. And, ultimately, we enrolled 1,635 students. And you can see that if you look on the Education Freedom Account Fact Sheet in that first column, 1,635 which represents about 1% of the students in New Hampshire.

If you move down in that table there's additional information about the number of students that enrolled that qualified for free-and-reduced price meals, Special-Education, English Language Learners or were not proficient in our third grade reading assessments.

If you continue down you can see the spending on this program of \$8,096,000 amounting to about .2% of the total spend that we have relative to education. And that amounts to an Education Freedom Account student cost to a New Hampshire -- to New Hampshire taxpayers of 4,952, which includes both based Adequacy as well as eligible differentiated aid for those students and that \$4,952 cost to New Hampshire taxpayers compares to a cost of about \$20,000 per student for students in our typical traditional public education system.

We've also outlined for you what I refer to as ESA -- EFA switchers and there's -- I've put those into different categories to help you kind of understand what those look like. So EFA switchers in 2021 are those students who are enrolled in our system in 20 -- in the year 2020, 2021, and then they left to take an EFA account in -- in the fall of 2021.

We also have what we refer to as COVID switchers and these are students who are in our public school system in during the, you know, actually just prior to COVID. They left the public education system as a result of COVID and did not return, but returned to an Education Freedom Account. And then we have our pre-COVID switchers which are students who were formerly in the public education system and at some point or at some point and have now adopted an Education Freedom Account.

Moving further down you can actually see the distribution of students across the various grade levels, and what you'll find is that it is generally weighted towards our younger students. That is something that we would expect to see in the enrollment in a program like this. Oftentimes students who particularly who have matriculated into our secondary system may be happy with the education that they're receiving. They're settled in. They're making progress in that system. As opposed to some of the younger students where parents may decide to exercise their means tested choice for those younger students.

One of the questions that was asked was relative to masking policy the last time that I was here. We tried to do some correlation relative to mask policies and students who adopted Education Freedom Accounts. We were not able to create and

identify any specific correlation relative to that, mostly because of the dynamism of the various mask policies in many of our schools. We had schools who maybe started without a mask policy, then they adopted a mask policies or they started without a mask policies or they started with one and then they maybe migrated. So those bounced around so much. We did look at that data as best we could and were not able to identify any type of correlation.

We also looked, and you can see in the bottom left-hand part of that Education Freedom Account Fact Sheet, we did do some analysis relative to how, you know, the students who enrolled in this program related to their schools having a virtual instruction versus in-person or hybrid or the different types of models.

We've also included for you some information relative to the demographics of the students who are participating in this program for you to be able to take a look at. I will tell you that relative to some of the race information that we have, it's difficult to discern exactly what that looks like. I know what the race makeup is of my students in my public systems because we have that census information. But we don't have race information for all of our students across the state, including some of our non-public schools, as well as our home education students. So I just would caution you relative to that particular information.

And so that is a basic overview of the enrollment and some of the finances associated with that. I'd now like to just highlight and flag a few things for you on the education service provider list. And some of these that are, you know, and again, I'm happy to answer questions about any of these particular institutions, but some of the items that appear on that education service provider list that I was encouraged by and you may also, you'll see that we actually had our Dover School District, SAU 11, who signed up as a education service provider, because we do have students who are in another, you know, resident district who are choosing and saying like we prefer to have our education at the Dover School District. I do know of one other district as well that is in the process of signing up

because they also have students from one public district that want to have access to another public district. So I thought that that was an interesting thing that I wanted to flag for you.

The next thing that I want to also point out to you relative to some of our learning centers that I thought was interesting. We had the Carroll County Adult Education and the Carroll Academy sign up as an education service provider. The City of Franklin Parks and Recreation Program. I'm not sure if any of you are familiar with that program, but they do an excellent job with students in the City of Franklin and provide a lot of services to in-need families, as well the Dover Adult Learning Center signed up, the Exeter Adult Learning Center signed up to be able to provide opportunity for students, as well as the New Hampshire Historical Society.

So that is a basic overview of the program and the different functions and aspects of the program. I do expect that we will come before this Fiscal Committee again, probably in about the March time frame, and we will have specific -- more specific, 'cause I don't have any specific information at this point in time, about where the funds are being spent. So while I have a list of the education service providers, as that money is, you know, again, we just funded those accounts in mid-October. So that money is now beginning to be spent. But we will be able to provide you very specific information about where those funds are going relative to the number of students that are participating in programming with the various education service providers, as well as the funds that flow to them. And, again, expect that we would have preliminary information for you in March; but, obviously, at the end of the school year is when we would have our best summary data. But if you wanted to see a snapshot, we're happy to come back and provide that.

And so then, with that, I'm happy to answer any questions that Members of the Committee may have.

CHAIRWOMAN UMBERGER: Are there questions? Representative Leishman.

REP. LEISHMAN: Thanks, Madam Chair. And thank you for, Commissioner, for the good presentation.

I just had a financial question. So 300 percent of the Federal Poverty Level, say for a family of four, what in dollars would that be? Do you know off the top of your head?

REP. EDELBLUT: Yes. So the Federal Poverty Level is about \$12,500. So a family of four, which would include two kids, is about 26,500. Then you multiply that times three so you're at about 78,000, \$79,000.

REP. LEISHMAN: Okay. Thanks. Thanks, Madam Chair.

CHAIRWOMAN UMBERGER: Senator Rosenwald.

SEN. ROSENWALD: Thank you. I have two questions, if I could. Commissioner, I think I heard you say that there's means testing. As I remember when we created this program in the budget was just the first time a family applies for the school voucher. Is that not the case? Unlike Medicaid, for example, where there's -- there's means testing at least once a year.

MR. EDELBLUT: Right.

SEN. ROSENWALD: There's only one time of means testing for this.

REP. EDELBLUT: Yep. So that the way the program works, again, it's 300% of the Federal Poverty Level. Those families are means tested in order to be able to enter the program, keeping in mind different from Medicaid or Medicare type of a program, the means testing is not a fact that the State Aid goes to the family. So in New Hampshire we pay our State Aid to all families that participate in our public school system. So, you know, Bill Gates' children go to, you know, Bedford High School, they're going to receive state funding. The means testing is one time and the means testing is around whether or not the family has choice of where those funds would go.

So whether that family was participating in an Education Freedom Account or in the resident school district, they would still receive the state funding. The means testing allows them to direct those funds into an education program that they believe will be best for their child.

And then I think the other aspect that is very disruptive for a child's education would be a circumstance where they have the means test to be able to choose where they'll spend that, but we don't want to create a disincentive for families to advance their economic opportunity. And you may have a family that is at \$78,000, a family of four, to use Representative Leishman's, you know, reference to the Federal Poverty Level, and they earn 2,000 more dollars and all of a sudden that family is bounced out of that program, and as a result we would be very disruptive to a student's education that they would be participating in a program, and then maybe not being able to participate, and then being able to participate. And so the best continuity and the best opportunity, particularly for these economically disadvantaged kids, is some stability.

SEN. ROSENWALD: So we could do that for Medicaid as well. There's on, off, on again and there's a lot of disruption. My second question --

MR. EDELBLUT: So the difference being though is in Medicaid is whether you have access to those services. And if you think about it in the Medicaid Program we means test whether or not you get access to the program, but we don't tell our Medicaid recipients where they have to go get those services. We provide them the public benefit, and then we let them make those choices. So, again, we're means testing allowing families in, but the choice is really what is means tested, which is very different than Medicaid.

SEN. ROSENWALD: I guess we could talk about that. But my second question is looking, for example, at Nashua, 64 students have left or have signed up for this program. We have 14 public schools. So that's an average of four and a half students per school leaving the Nashua District. Can you give me please an

estimate of what the marginal cost savings are for each of those students when four and a half of them leave a school in Nashua.

MR. EDELBLUT: Sure. And I think it's also important for me to point out that in the legislation that the Legislature passed, there is what I refer to as kind of a protection fee available to the Districts. So what will happen is when a student leaves the public school system to take an EFA, in that first year when they leave, the school will receive 150% of the Adequacy funds that they might otherwise receive, even though that student is not being educated there. And in that second year after that they will receive 25% of that Adequacy funding to that student.

So in terms of the marginal cost, the -- in our typical, like take a Nashua District, the cost of educating students in Nashua is about \$20,000 a year. Students who are accepting an Education Freedom Account will cost taxpayers about \$5,000, which leaves \$15,000 in the Nashua public school system in order to be able to educate the fewer students, because some students have left, and now those -- those dollars are available. So we have more dollars over fewer students. So the available resources to educate those students remaining in the system, you know, is higher.

In terms of the marginal cost associated with those students, that would really depend on the individual School District and how they have structured their cost for that particular school. So, for example, if the School District has two first grade classes, and what they find is when they -- and each of those classes perhaps has ten students in each one of them, and when two of those students leave now you have basically 18 students and they might say, well, we will now consolidate and have one of those first grade classes. So the marginal cost there since the driver may be the salaries would actually be quite high. Probably close to 50% associated with those particular students. And so you may find a significant cost savings. And it could, obviously, work the opposite direction as well.

What you have to keep in mind is that in New Hampshire, because of the shift of demographics, we see an attrition of students between 1% to one and a half percent every single year irrespective of whether or not you have a program like this. So all of our public schools should be, and I believe are trying, to work on a management plan that recognizes that every year they will have the attrition of students and will need to manage through that.

The attrition associated with the Education Freedom Accounts is actually lower than the attrition experienced simply as a result of the demographic shift. And so the same tools that our Districts apply in order to manage their costs in a reducing population of students are going to apply here as well.

SEN. ROSENWALD: Thank you. Just if I could point out. We're talking about two different funding sources; one being state and one being the local revenues. That 15,000 you saved isn't over 11,000 District students in Nashua.

MR. EDELBLUT: So what it is is, I mean, the taxpayers of New Hampshire are funding public education. And so the taxpayers themselves become the beneficiary when we take the cost of that product and we reduce it from \$20,000 to \$5,000 to educate those students.

CHAIRWOMAN UMBERGER: Uh -- Senator Giuda.

SEN. GIUDA: Just a quick question, Madam Chair. So, Commissioner, when you bring back your report in March, will that report incorporate performance metrics on the students in the EFA system?

MR. EDELBLUT: Yep. So our first performance metrics will be at the end of the year. So we won't collect that information. That is due according to the law on August 1st.

SEN. GIUDA: Right.

MR. EDELBLUT: So that would happen after the full academic year.

SEN. GIUDA: All right. But that will be incorporated perhaps in a September report or something like that?

MR. EDELBLUT: Exactly. Once we have that information we'll continue to report that information out.

SEN. GIUDA: Thank you.

CHAIRWOMAN UMBERGER: Okay. Are there any other questions? Go ahead.

JOSEPH PITRE, State Representative, Strafford County, District #02: Thank you, Madam Chair, for seeing me. In the case of Dover, when they receive those funds they just receive the -- roughly the \$5,000 and they accept that?

MR. EDELBLUT: That's correct.

REP. PITRE: Thank you.

MR. EDELBLUT: And just to point out, I mean, and maybe this goes to Senator Rosenwald's question as well, in terms of the marginal benefits. So if they have a classroom and they're operating in the classroom and they have the ability to put an additional student in there, you know, and fit it into that programming, that marginal benefit associated with that, obviously, is probably what drives Dover to accept that type of student.

CHAIRWOMAN UMBERGER: Representative Erf.

REP. ERF: Thank you, Madam Chair. I just have a request. In the future could you provide PDFs of the documents that you prepare for us?

REP. EDELBLUT: Absolutely. We'll go ahead and distribute that to you as well.

CHAIRWOMAN UMBERGER: I do have one question, and that is how many of these students, 1635, are home schooled?

REP. EDELBLUT: So in New Hampshire we don't have home education students in Education Freedom Accounts. So let me just explain quickly the way that the law works is in New Hampshire if you're between the ages of 6 and 18, you are truant unless you are registered in one of now four eligible education programs. And that means if you're between the ages of 6 and 18, you can be registered in a New Hampshire public school, whether that's a traditional public school or public charter school, you can be registered in one of our non-public schools, you can be registered as a home education student, or you can be registered as an Education Freedom Account Student. The distinction is that Education Freedom Account students are operating under RSA 194-F, which is a different section of law than 193-A, which is what home education students. And they have different requirements and some different accountability responsibilities as well.

CHAIRWOMAN UMBERGER: Okay. So if I heard correctly, if you home school, you cannot get an EFA?

REP. EDELBLUT: If you are a home education student registered under 193-A, then you are not a participant, you cannot be and you would not be a participant in the EFA, the 194-F program. You can't be in both.

CHAIRWOMAN UMBERGER: Right. But you -- you could apply for an EFA.

REP. EDELBLUT: Then you would be an EFA student. You would not be a home education student.

CHAIRWOMAN UMBERGER: Okay. But then you can still home school if that's the right term.

REP. EDELBLUT: So I think what you're going to find is and, again, we'll get this information as the program continues, is that what's happening, and this is the intent of the program, is that students and families are able to put together an education program that works best for that individual student. And so that may involve a number of different educational types of programs.

So they may take, you know, I spoke with a family just this week who is in a home education program, but they are taking three of their classes through their local school. And they're taking two of their classes on-line, and they're taking another class from a music studio I believe is what it was. And so I think what you're going to find is that it's really just trying to create individual pathways for students and that's how these educational programs are going to be put together.

CHAIRWOMAN UMBERGER: Okay. Thank you. Are there any further questions? Thank you very much for coming. And it sounded to me like we should schedule you for March for an update; is that correct?

MR. EDELBLUT: That would be great and I can follow-up and know, you know, more precisely at the beginning of March, end of March, when we think we'll have good information for you.

CHAIRWOMAN UMBERGER: Okay. Thank you very much.

MR. EDELBLUT: Thank you.

REP. EMERICK: Madam Chair, can I be recognized for a motion?

CHAIRWOMAN UMBERGER: Actually no.

SEN. D'ALLESANDRO: That's the power of the Chair. Power of the Chair.

REP. EMERICK: Yesterday this is where you said plug it in, so.

CHAIRWOMAN UMBERGER: I know. That was yesterday.

REP. EMERICK: Oh, okay.

CHAIRWOMAN UMBERGER: This is today. Representative Leishman, you had a question for the Liquor Commission?

REP. LEISHMAN: I did. Thanks, Madam Chair.

CHAIRWOMAN UMBERGER: Okay.

REP. LEISHMAN: On their report.

CHAIRWOMAN UMBERGER: If -- this is on the -- the quarterly status update for -- hum -- the performance audit. Thank you very much. Go ahead, Representative Leishman.

REP. LEISHMAN: Thanks, Madam Chair. And thanks for taking my question. So I'm sure I speak for the Committee, I appreciate your work as far as this report, but I'm a little troubled by some of the dates that you folks have set to try to bring the enforcement into things -- into compliance. And, in particular, on Page 40, where it talks about the Commission developing a comprehensive premise -- premises inspection rules, you don't anticipate that being completed until January of '23, or the improvement of controls over investigations. Again, you folks don't expect that to be improved until January of '23. It just -- it seems like an awful long time out. So I was just curious about why it's taking so long.

MS. WIANT: Thank you. Good afternoon. Rose Wiant, the Director of Administration. I'm joined at the table with Mark Armaganian, the Director of the Division of Enforcement and Licensing.

The -- as you know, the plan in front of you is the Agency's response to -- to the performance audit. In putting this together, what the Division -- what we did is to identify action items with each of the Observations in the report. And for each of those action items, based on the nature and complexity of the items, developed the -- the deadlines, the due dates that you see that your question revolves around.

With respect to the rules that you are -- the January 2023 data around the rules on the premise inspections and so forth, that is being worked on now. Hum -- the rulemaking process takes approximately nine months. Prior to this, the Division completely revamped all of its licensing rules, the direct shipper rules. So it's been the due date was developed taking

into account where that fits with all the other rules and all the other work being done.

REP. LEISHMAN: Follow-up, Madam Chair.

CHAIRWOMAN UMBERGER: Yes.

REP. LEISHMAN: So have you or have you not filed with JLCAR?

MS. WIANT: The 600 rules -- these particular rules have not yet been filed with JLCAR. They're still in the process of being drafted and are you working with stakeholders?

In the course of drafting there'll be meetings with stakeholders and so forth. There's, you know, it's reworking the whole scheme.

REP. LEISHMAN: Thank you. Thanks, Madam Chair.

CHAIRWOMAN UMBERGER: Okay. You're quite welcome. Just a quick -- oh, are there any other questions for the Liquor Commission? Okay. Seeing none. Thank you very much.

Mr. Kane, do I need to do anything with these other information items?

MR. KANE: No, nothing on the information items.

CHAIRWOMAN UMBERGER: Okay. Thank you. Now --

****** REP. EMERICK: Madam Chair, I move to accept, place on file, and release the State Fiscal Year End 2021 Annual Comprehensive Financial Report and the Turnpike, Liquor and Lottery Annual Reports when they become available.

SEN. GIUDA: Second.

CHAIRWOMAN UMBERGER: Thank you, Senator Giuda. All those in favor please say aye? Opposed? Okay. Great.

*** {MOTION ADOPTED}

(12) Date of next meeting and adjournment.

CHAIRWOMAN UMBERGER: Hum -- next meeting is scheduled for January 21st.

REP. LEISHMAN: Is anybody here from Fish and Game just on the information items?

CHAIRWOMAN UMBERGER: Do I see someone from Fish and Game? He was here.

MR. KANE: I don't see them anymore. I did see Colonel Jordan, but he's not here right now.

REP. LEISHMAN: I was just on the West Coast last week and I saw New Hampshire's Fish and Game officers on that show. They were very impressive. I just wanted to --

CHAIRWOMAN UMBERGER: Pass that on. Okay. So January 21st. There -- there may, in fact, be a need to have an emergency meeting or a special meeting. Uh -- we'll let you know. Everybody hear that? Everybody -- is everybody going to be around through the Christmas holiday? Do I have enough?

SEN. D'ALLESANDRO: Yes.

CHAIRWOMAN UMBERGER: Okay. All right. Good. So all right.

SEN. D'ALLESANDRO: (Inaudible).

REP. LEISHMAN: Christmas Day?

CHAIRWOMAN UMBERGER: No, no, I promise. I promise not to hold our special meeting if required on Christmas Day, although, you know.

SEN. D'ALLESANDRO: You never know. You never know.

CHAIRWOMAN UMBERGER: Turkey and the fixings might be the best remedy for this Committee. Okay.

SEN. D'ALLESANDRO: Madam Chair, to all a Merry Christmas and a very happy and prosperous New Year. And to the Chair, again, great job. Thank you very much. It's not easy being, as I say, it's not easy being on the top.

CHAIRWOMAN UMBERGER: Well, thank you. And, again, Merry Christmas, Happy New Year, Happy Holidays. And if I don't -- well, I'm sure I'll see you before the 21st, but we'll keep smiling.

SEN. D'ALLESANDRO: Thank you. Keep smiling.

CHAIRWOMAN UMBERGER: Okay. Thank you. We're adjourned.

(The meeting adjourned)

CERTIFICATION

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

Cecelia A. Trask, RMR, CRR
NH LSR #00047