

JOINT LEGISLATIVE FISCAL COMMITTEE

VAST Conference

Friday July 10, 2020

MEMBERS PRESENT:

Rep. Mary Jane Wallner, Chair

Rep. Kenneth Weyler

Rep. Susan Ford

Rep. Lynne Ober

Rep. Patricia Lovejoy (Alt.)

Rep. David Huot (Alt.)

Rep. Erin Hennessey (Alt.)

Sen. Lou D'Allesandro

Sen. President Donna Soucy

Sen. Jay Kahn

Sen. Cindy Rosenwald

Sen. Chuck Morse

(The hearing convened at 10:06 a.m.)

(1) Call In Instructions:

MARY JANE WALLNER, State Representative, Merrimack County, District #10: Good morning and welcome to the July 2020 Fiscal Committee meeting. And as Chair of the Fiscal Committee of the General Court, I find that due to the state of emergency declared by the Governor as a result of COVID-19 Pandemic, and in accordance with the Governor's Emergency Order number 12, pursuant to Executive Order 2020-04, as extended, pursuant to Executive Order 2020-14, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order.

However, in accordance with the Emergency Order, I am confirming that we are, one, providing public access to the meeting by telephone with additional access possibilities by video or other electronic means. We are utilizing Vast Conference for this remote meeting. All Members of the Committee and the staff of the State Agencies with agenda items

have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone number:

1 (800) 356-8278, and the six digit conference code is 125563 followed by the pound sign.

Two: We are providing public notice of the necessary information for accessing the meeting. We previously gave notice to the public of the necessary information for accessing the meeting telephonically. Instructions have also been provided in the House and Senate Calendars, the Fiscal Committee Agenda, and the website of the Office of Legislative Budget Assistant.

Three: Providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anyone has a problem, please e-mail nheoc@dos.nh.gov.

Four: Adjourning the meeting if the public is unable to access the meeting. In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote. And so let's start the meeting today by taking a roll call attendance. When each Member states they're present, please also state whether there is someone in the room with you during this meeting, which is required under the Right-To-Know Law.

I'll ask the Clerk to call the roll. Before we start the roll, did we locate Representative Ford?

FALLON REED, Planning Chief, State Coordinating Officer, Department of Safety: Yes, she's on.

CHAIRWOMAN WALLNER: Okay. Thank you. Thank you. Representative Weyler, if you could call the roll.

KENNETH WEYLER, State Representative, Rockingham County, District #13: Representative Wallner.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

CHAIRWOMAN WALLNER: Representative Wallner present. I'm at my home in Concord, New Hampshire, and I'm alone.

REP. WEYLER: Representative Ford.

SUSAN FORD, State Representative, Grafton County, District #03: Representative Ford is here and I am in Easton, home alone.

REP. WEYLER: Representative Lovejoy.

PATRICIA LOVEJOY, State Representative, Rockingham County, District #36 : Hi. I'm here. I'm at my home in Stratham. My husband is someplace in the house.

REP. WEYLER: Representative Ober.

LYNNE OBER, State Representative, Hillsborough County, District #37: Present, Ken. I'm in Hudson at home, currently alone, but we know what it's like with my cats.

REP. WEYLER: Representative Weyler is in Kingston and I'm alone in the room. There's others in the house. Senator D'Allesandro.

LOU D'ALLESANDRO, State Senator, Senate District #20: Senator D'Allesandro is home alone, but his wife is in the house in Manchester.

REP. WEYLER: President Soucy.

DONNA SOUCY, State Senator, Senate District #18, and Senate President: This is Donna Soucy. I am at my office in Concord, New Hampshire, and I am alone.

REP. WEYLER: Senator Kahn.

JAY KAHN, State Senator, Senate District #10: Present in Stoddard, alone in the room, with my wife someplace nearby.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

REP. WEYLER: Senator Rosenwald.

CINDY ROSENWALD, State Senator, Senate District #13: I am here. I am in Saranac Lake, New York. My husband is in the house but not in the same room.

REP. WEYLER: Senator Morse.

CHUCK MORSE, State Senator, Senate District #22: Senator Morse is in his office in Atkinson, New Hampshire, and I am alone.

REP. WEYLER: Completes the roll call.

(2) Acceptance of Minutes of the June 12, 2020 meeting

CHAIRWOMAN WALLNER: Thank you, Representative Weyler. So the first item that we have on the Agenda today is the Acceptance of the Minutes of the June 12, 2020, meeting. Do I have a motion?

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

CHAIRWOMAN WALLNER: Senator D'Allesandro moves the minutes.

SEN PRESIDENT SOUCY: And I would second. Donna Soucy.

CHAIRWOMAN WALLNER: And Senator Soucy seconded. Are there any discussion of the minutes or any changes that need to be made to them?

MS. REED: Ma'am, Representative Hennessey has her hand raised.

CHAIRWOMAN WALLNER: Representative Hennessey.

ERIN HENNESSEY, State Representative, Grafton County,
District #01: My apologies, Madam Chair. I just wasn't called
for the roll. I'm here as an alternate.

CHAIRWOMAN WALLNER: Okay. Thank you.

REP. WEYLER: All right. Do you want me to include the
alternates?

CHAIRWOMAN WALLNER: We can, but we need to -- I guess we
need to state they are alternates and they're not -- they're not
voting for -- they're not voting unless they're replaced.

REP. WEYLER: All right. So I will mark Representative
Hennessey.

CHAIRWOMAN WALLNER: Great. Thank you.

REP. WEYLER: And Representative Huot.

CHAIRWOMAN WALLNER: Yes, I think they're both here. Thank
you. And now let's -- do we have any discussion of the minutes?
I hear no -- no discussion of the minutes. So I will ask
the -- ask the Clerk to call the roll. And the motion is ought
to pass on the minutes -- to accept the minutes of June 12th,
2020, meeting.

REP. WEYLER: Representative Ford.

REP. FORD: Yes.

REP. WEYLER: Representative Lovejoy.

REP. LOVEJOY: Yes.

REP. WEYLER: Representative Ober.

REP. OBER: Yes.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

REP. WEYLER: Representative Weyler votes yes. Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. WEYLER: Senator Soucy.

SEN. PRESIDENT SOUCY: Yes.

REP. WEYLER: Senator Kahn.

SEN. KAHN: Yes.

REP. WEYLER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. WEYLER: Senator Morse.

SEN. MORSE: Yes.

REP. WEYLER: Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. WEYLER: Ten to zero.

CHAIRWOMAN WALLNER: Motion passes 10 to 0.

***** {MOTION ADOPTED}**

(3) Old Business:

CHAIRWOMAN WALLNER: And moving on to Old Business. Old Business, is there any -- any discussion of Old Business?

****** REP. WEYLER: I wish to remove the --

CHAIRWOMAN WALLNER: Seeing none.

REP. WEYLER: Yes, yes. I wish to remove the Department of Education item from the table.

CHAIRWOMAN WALLNER: That was Representative Weyler?

REP. WEYLER: Weyler, yes.

CHAIRWOMAN WALLNER: Moves to take Department of Education item off the table.

REP. OBER: Representative Ober second.

CHAIRWOMAN WALLNER: And Representative Ober second. That's a non-debatable motion. So I would ask Representative Weyler to take the roll. The motion is to take the item off the table.

REP. WEYLER: Representative Ford.

REP. FORD: No.

REP. WEYLER: Representative Lovejoy.

REP. LOVEJOY: No.

REP. WEYLER: Representative Ober.

REP. OBER: Yes.

REP. WEYLER: Representative Weyler votes yes. Senator D'Allesandro.

SEN. D'ALLESANDRO: No.

REP. WEYLER: Senator Soucy.

SEN. PRESIDENT SOUCY: No.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

REP. WEYLER: Senator Kahn.

SEN. KAHN: No.

REP. WEYLER: Senator Rosenwald.

SEN. ROSENWALD: Yes. Sorry, no.

REP. WEYLER: Put you down as no.

SEN. ROSENWALD: Thank you.

REP. WEYLER: Senator Morse.

SEN. MORSE: Yes.

REP. WEYLER: Representative Wallner.

CHAIRWOMAN WALLNER: No.

REP. WEYLER: The vote is 3 to 7.

CHAIRWOMAN WALLNER: Vote is 3 to 7. The motion is denied.

***** {MOTION FAILED}**

CHAIRWOMAN WALLNER: The next thing on the Agenda we have a number of items.

MS. REED: Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

MS. REED: I'm sorry. Senator Morse had his hand raised. I'm not sure it was for the same item.

CHAIRWOMAN WALLNER: Yes, Senator Morse.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

SEN. MORSE: Yes, Representative Wallner. I was going to ask the question if it was appropriate to take the last item off the table so I could introduce Senator Bradley's letter that was written to you. We've obviously not taken it off the table so, but I still think the public should see Representative Bradley's letter.

CHAIRWOMAN WALLNER: Thank you, Senator Morse. Actually, I -- we did receive the letter. I believe my understanding is that everyone on Fiscal Committee received a copy of the letter from Senator Morse; is that correct?

SEN. D'ALLESANDRO: Yes.

REP. OBER: I did not get a letter from Senator Morse.

SEN. MORSE: No, it's from Senator Bradley and from Jason Gagnon.

CHAIRWOMAN WALLNER: I mean, Senator Bradley. I'm sorry. Did everyone receive the letter from Senator Bradley?

REP. OBER: Madam Chairman, yesterday I got a letter from a gentleman who talked about the fact that they needed the money in the grant to open the charter school that they had already staffed and that they had students in registered, but I got nothing from a Senator. Is it possible that you forward that to me, Madam?

CHAIRWOMAN WALLNER: Yes.

REP. OBER: Thank you.

CHAIRWOMAN WALLNER: What I would like to do is -- Senator Morse, would you have that letter go to the Legislative Budget Assistant and then they can put it up on their website, if that's appropriate.

SEN. MORSE: Yes, I will. Thank you, Representative.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

CHAIRWOMAN WALLNER: If that is appropriate. Okay. Thank you very much.

Audits:

CONSENT CALENDAR

(4) RSA 9:16-C, I, Transfer of Federal Grant Funds and RSA 124:15 Positions Authorized:

CHAIRWOMAN WALLNER: And the Audits. I'm hoping that in September we can have a meeting just to go through audits. We may have another one -- we may have another one available at that time. So we'll move past the Audits and go into our first item on the Consent Calendar. This is item four and it's a Department of Safety item. It's the only Department of Safety item -- it's the only item on this particular Consent Calendar. Is there any -- do I have a motion?

REP. OBER: I've got a question, Madam Chairman.

CHAIRWOMAN WALLNER: Yes. Yes, Representative Ober.

REP. OBER: Yesterday, we asked the LBA if they could contact the Agency because the items we're getting from Safety do not include all of the pieces of information that we normally get. You know, we have that standard list of questions that are asked. Was this budgeted? If no, why, et cetera, et cetera. And we aren't getting that, and I ask if we could get that information sent to us. We did get answers to Fish and Game, but we got nothing from Safety. I wondered if the LBA had received anything from Safety based on that?

CHAIRWOMAN WALLNER: Let me ask Mr. Shea if he has received anything from Safety.

CHRISTOPHER SHEA, Deputy Legislative Budget Assistant, Office of Legislative Budget Assistant: Good morning. This is Chris Shea from the LBA. Representative Ober, I sent out last

night a response to the FEMA questions that included responses from the Department of Safety, and in that I had also put a note that going forward -- that I had spoken with Mr. Lavoie, and going forward they would try to include that additional information that you've been requesting.

Safety is available today to talk to you about that if you would like them to come on the line; but we did have a conversation yesterday and that was what they were going to do going forward.

CHAIRWOMAN WALLNER: Thank you, Mr. Shea.

REP. OBER: Could I follow-up, Madam Chair?

CHAIRWOMAN WALLNER: Yes, Representative Ober.

REP. OBER: Thank you. Chris, maybe I'm missing a message. The message I got from you about FEMA came. After we ended our meeting, I realized that I directed you to additional revenues report our office includes in the informational item section of the agency for that report. The Department of Safety has received a total of 7 million FEMA funds. I will ask if they receive or anticipate receiving additional funds. It doesn't address why we're not hearing about what's in the budget, what's not in the budget. And I would -- that's the question I was really asking about.

MR. SHEA: Yes. And one of the responses -- I sent out several e-mails last night. In one of them I did mention that I had had the conversation with Steve about the concern that the items didn't have all the information that you would like to see in them. And going forward they would try to include references to whether money that's being discussed in the item has been talked about in previous budget discussions or not.

REP. OBER: Okay. Well, I read to you the only e-mail I've gotten from you about Safety. So if you --

MR. SHEA: Okay. I will forward you --

REP. OBER: -- 'cause I did respond to that but nothing else about Safety. Thank you.

CHAIRWOMAN WALLNER: Representative Ober, would you like someone from Safety to come on the line to answer questions?

REP. OBER: Well, Madam Chairman, I know you were not meeting with us yesterday, but my concern about having Mr. Lavoie, who does a wonderful job for us answering questions, is that my questions really concerned the Commissioner's stuff that he sent to us and he signs, and I just don't think it's appropriate to ask Mr. Lavoie about the performance of Commissioner Quinn.

So I will, if you don't mind, I will wait for the e-mail that didn't come to me, and I know the legislative e-mail has difficulty sometimes sending to Comcast. So it's not necessarily anything to do with Chris. It's just the fact that it appears Leg. e-mail scans Comcast and they start blocking messages so it's an ongoing problem. But I will wait for Chris because I don't think Mr. Lavoie should have to talk about the performance of his supervisor. I think that's inappropriate. Thank you.

CHAIRWOMAN WALLNER: Thank you, Representative Ober. Then what we need is a motion on this item. Do we have a motion?

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

SEN. ROSENWALD: Second.

CHAIRWOMAN WALLNER: Senator D'Allesandro moved the item and Rep -- Senator Rosenwald second. Any further discussion of this item? Hearing none, I'll ask the Clerk to call the roll. Representative Weyler, could we call the roll on this item?

MS. REED: Ma'am, it looks like he's having a little bit of difficulty. He dropped off.

CHAIRWOMAN WALLNER: Okay.

MS. REED: Hold on a second. He may be able to pop back in.

REP. WEYLER: All right. Sorry.

MS. REED: Go ahead.

CHAIRWOMAN WALLNER: Representative Weyler, are you good now?

REP. WEYLER: Yeah, I was off. I tried to mute it, and I turned myself off. So I'm back on now. Sorry about that.

CHAIRWOMAN WALLNER: I did the same thing at the beginning. We're ready to call the roll on item four, the Department of Safety item, and the motion is to accept the item.

REP. WEYLER: All right. I missed who made the motion and the second.

CHAIRWOMAN WALLNER: Senator D'Allesandro made the motion and Senator Rosenwald seconded.

REP. WEYLER: Thank you. Okay. The motion is to approve. Representative Ford.

REP. FORD: Yes.

REP. WEYLER: Representative Lovejoy.

(No response).

REP. WEYLER: Representative Lovejoy.

REP. LOVEJOY: Yes.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

REP. WEYLER: Representative Ober.

REP. OBER: Yes.

REP. WEYLER: Representative Weyler votes yes.
Representative D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. WEYLER: Excuse me, Senator D'Allesandro. Senator Soucy.

SEN. PRESIDENT SOUCY: Yes.

REP. WEYLER: Senator Kahn.

SEN. KAHN: Yes.

REP. WEYLER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. WEYLER: Senator Morse.

SEN. MORSE: Yes.

REP. WEYLER: Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. WEYLER: Madam Chair, the vote is 10 to 0.

CHAIRWOMAN WALLNER: The motion passes 10 to 0.

***** {MOTION ADOPTED}**

MS. REED: Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

MS. REED: Commissioner Quinn has his hand raised if you'd like him to speak.

CHAIRWOMAN WALLNER: Commissioner, are you there? Are you with us?

ROBERT L. QUINN, Commissioner, Department of Safety: Yes. Can you hear me okay, Ma'am?

CHAIRWOMAN WALLNER: We can hear you fine.

COLONEL QUINN: Yes. Yes, I'm sorry --

CHAIRWOMAN WALLNER: I think maybe Representative Ober has a question.

COLONEL QUINN: Yes, I'm sorry. Representative Ober, I will be happy to answer any question you have. I'm aware of what needs to go into this item, and I will ensure that all that information goes in in the future, and I apologize for not having included that, Ma'am. I'm happy to answer any question or (Inaudible).

REP. OBER: Thank you, Commissioner. Believe it or not, I think everybody on this Committee actually reads everything you send us and those questions that LBA has given out to all the Commissioners to provide the right amount of data to us, if you could just include those, that would be wonderful. We would have everything we needed.

COLONEL QUINN: You got it, Ma'am. And I hope each of you on the Committee have a great summer. Thank you.

CHAIRWOMAN WALLNER: Thank you, Commissioner. We appreciate you coming on the line.

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

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

CHAIRWOMAN WALLNER: We're now ready to move on to our item (5). There are three Consent Calendar items in this -- in this number (5). Do any -- do we want to take any of them off Consent? Do I hear -- I did not hear anyone say they wanted any off Consent. So do we have a motion?

** REP. OBER: I would move to approve all those items.

REP. FORD: I'll second.

CHAIRWOMAN WALLNER: Representative Ober moves to approve and who seconded? I'm sorry.

REP. FORD: Ford, Sue Ford.

CHAIRWOMAN WALLNER: And Representative Ford second. Any discussion? Hearing none, then I will ask the Clerk to call the roll.

REP. WEYLER: Motion is to approve. Representative Ford.

REP. FORD: Yes.

REP. WEYLER: Representative Lovejoy.

REP. LOVEJOY: Yes.

REP. WEYLER: Representative Ober.

REP. OBER: Yes, thank you.

REP. WEYLER: Representative Weyler votes yes. Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. WEYLER: Senator Soucy.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

SEN. PRESIDENT SOUCY: Yes.

REP. WEYLER: Senator Kahn.

SEN. KAHN: Yes.

REP. WEYLER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. WEYLER: Senator Morse.

SEN. MORSE: Yes.

REP. WEYLER: Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. WEYLER: Madam, the vote is 10 to 0.

CHAIRWOMAN WALLNER: Thank you. The motion passes ten to zero.

***** {MOTION ADOPTED}**

(6) Chapter 346:380, Laws of 2019, New Hampshire Veterans' Home, Transfer Among Accounts and Classes:

CHAIRWOMAN WALLNER: And moving on now to Item (6) which is a transfer at the New Hampshire Veterans' Home. Does anyone have questions about that particular item?

MS. REED: Senator Rosenwald has her hand raised.

CHAIRWOMAN WALLNER: Senator Rosenwald, do you have a question?

MS. REED: Madam, you may be muted.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

SEN. ROSENWALD: I was muted. Sorry. Thank you, Madam Chair. I would like to ask a question of the Commandant if she's available or someone else.

CHAIRWOMAN WALLNER: Yes. Is there someone from the Veterans' Home available?

MS. REED: Yes, the Commandant's line's opened.

MARGARET D. LABRECQUE, Commandant, New Hampshire Veterans' Home: Good morning. This is Commandant Labrecque.

CHAIRWOMAN WALLNER: Thank you for being here.

SEN. ROSENWALD: Good morning, Commandant. Thank you for taking my question. I just was curious about the vacancies that you've been experiencing in your authorized permanent critical care nursing positions. Was wondering whether the Coronavirus Pandemic has made it more difficult or increased the vacancies in your permanent nursing staff?

COMMANDANT LABRECQUE: Hum -- I would say, well, we've had current vacancies and those have maintained pretty steady. We have not seen a spike in those due to the Coronavirus or the Covid-19. I will say we've been very fortunate. Our staff have really stepped up and done a great job keeping our residents Covid-free. And we're celebrating that today and hope that it continues on. We are in the point where we're doing surveillance testing currently on both our residents and our staff who opt to be tested, and so far we've gone through our second surveillance testing with all negative results. But, again, directly to your question, I have not seen a big change in our vacancies due to the virus.

SEN. ROSENWALD: May I follow-up, Madam Chair?

CHAIRWOMAN WALLNER: Yes.

SEN. ROSENWALD: Thank you. But have you found it equally or more difficult to recruit nursing staff over the last few months?

COMMANDANT LABRECQUE: Sure. Equally had, you know, it's across -- not just across the State of New Hampshire that we're having vacancies or a difficult time with direct care staff. It's really across the nation. The very fact is it is hard work. It's difficult work. And so a lot of the college graduates who are coming out with the licenses that we need are going into areas where it's not as difficult. Like I said, it's a difficult work when you're working with somebody that you grow to love and you know that they're going to pass away.

So a lot of the times these graduates are going into, you know, whether it's the E.R. or emergent care where they're not working with people for years where they get attached. These people are turning over. So a term that's sometimes coined is geriatrics is just not the sexy job to go into.

SEN. ROSENWALD: Thank you very much, and congratulations on your ability to contain this pandemic.

COMMANDANT LABRECQUE: Thank you so much. Truly say that my staff has done a wonderful, wonderful job, and I'm very proud of them.

CHAIRWOMAN WALLNER: Thank you, Commandant. We appreciate you being here. We appreciate all your staff has done during this time. Thank you.

** SEN. ROSENWALD: I would move the item.

CHAIRWOMAN WALLNER: Senator Rosenwald moves the item.
Second?

SEN. KAHN: Senator Kahn --

SEN. D'ALLESANDRO: Second.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

CHAIRWOMAN WALLNER: Was that Senator D'Allesandro?

SEN. D'ALLESANDRO: Yes.

CHAIRWOMAN WALLNER: Senator D'Allesandro seconds. And I would ask the Clerk to call the roll. The motion is to approve the item.

REP. WEYLER: Representative Ford.

REP. FORD: Yes.

REP. WEYLER: Representative Lovejoy.

REP. LOVEJOY: Yes.

REP. WEYLER: Representative Ober.

REP. OBER: Yes.

REP. WEYLER: Representative Weyler votes yes. Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. WEYLER: Senator Soucy.

SEN. PRESIDENT SOUCY: Yes.

REP. WEYLER: Senator Kahn.

SEN. KAHN: Yes.

REP. WEYLER: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. WEYLER: Senator Morse.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

SEN. MORSE: Yes.

REP. WEYLER: Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. WEYLER: Madam Chair, the vote is 10 to 0.

CHAIRWOMAN WALLNER: The motion passes 10 to 0. Thank you, Representative Weyler.

*** {MOTION ADOPTED}

(7) Miscellaneous:

(8) Informational Materials:

CHAIRWOMAN WALLNER: And I believe that's the end of our regular business, and now we go into Informational items. And we have a lot of Informational items today. So I guess what I would like to do is how about if you want an informational item to be -- if you want to hear more about an informational item, could I hear from people that which ones they want and then we'll go through them. Let me get a list of them first and then we'll go through them.

So if you have an informational item that you would like to hear more about, could you indicate that to me at this time.

MS. REED: Senator Rosenwald has her hand raised.

CHAIRWOMAN WALLNER: Yes, Senator Rosenwald.

MS. REED: Ma'am, you may be muted.

SEN. ROSENWALD: I was. Sorry. I have a question about 129 and 130.

CHAIRWOMAN WALLNER: 129 and 130. Okay. Other -- other informational items that people would like more information on?

SEN. KAHN: Madam Chair.

CHAIRWOMAN WALLNER: Yes. Who's speaking?

SEN. KAHN: Senator Kahn. And I'm interested in 133 and in 136.

CHAIRWOMAN WALLNER: 133 and 136. Okay. Great. And any further items people would like more information on?

SEN. D'ALLESANDRO: Senator D'Allesandro. 144.

CHAIRWOMAN WALLNER: 144. Okay. Any other items? Okay. We don't take votes of these items, but I thought it would be good. Now let's move through them. I have 129, 130, 133, 136, and 144. And let's move through them numerically and then we can -- then we can ask people from the Department to come up and answer questions that we might have. And let's start with 129, the Department of Health and Human Services item. And I think Representative -- Senator Rosenwald asked for that to come -- to be discussed.

SEN. ROSENWALD: Yes, thank you, Madam Chair. So I noticed that this is a prospective request for federal matching dollars through the end of the Fiscal Year that just began. But the consultants have suggested there's a range in the increase in the caseload that's pretty large. So far the caseload is up 12% from the end of February. And I'm just wondering, my question is the \$308,000, what percentage increase is that based on? Is it based on the 12% actual or some other number?

LORI SHIBINETTE, Commissioner, Department of Health and Human Services: Thank you for the question. This is Commissioner Shibinette here, and I have Mary Calise from Finance here. She's going to take that question.

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020

MARY CALISE, Department of Health and Human Services: Thank you. The 308,000 represents actually a 6.2% increase in the federal reimbursement rate that we receive on these payments to the IDN network. It's indirectly tied to caseload. It is not a direct tie to caseload. So although the caseload is referenced in the item, there is not a direct correlation.

SEN. ROSENWALD: Could I follow-up, Madam Chair?

CHAIRWOMAN WALLNER: Yes.

SEN. ROSENWALD: Thank you. So that 308,000 represents 6.2% of what the actuals were for some period of time?

MS. CALISE: It represents 6.2% more in Federal funds that we anticipate receiving for the payments we will make.

SEN. ROSENWALD: Based on what caseload, I guess, is my question?

MS. CALISE: It's not based on a caseload specifically. It's based on the payments that are made to the IDN network.

SEN. ROSENWALD: Well, thank you for trying to make me understand this.

COMMISSIONER SHIBINETTE: So we make payments to the IDN network and the federal match has increased 6.2. So this is the portion of that federal match that we'll be paying to the IDN.

SEN. ROSENWALD: For some period of time.

MS. SHIBINETTE: Yes.

SEN. ROSENWALD: Thank you.

CHAIRWOMAN WALLNER: Any further questions on this item? Hearing none, we'll move on. These are just informational items so we don't need to take a vote. And let me go now -- let's go

now to Item No. 130, and it's Office of Health and Human Services item. I think Representative Rosenwald also asked for this item to come off.

SEN. ROSENWALD: Yes, thank you. This looks like it is about a part of the Department's program in the Title IV-B that over the last couple months there have been some transfers involving General Funds we needed for that program, and I'm just wondering if this federal funding will allow the Department to offset some General Funds. And, if so, would it be the same amount or something less?

MS. CALISE: Representative Rosenwald, there are no General Funds budgeted in this Accounting Unit.

SEN. ROSENWALD: Okay. So it's not the same place that we've made transfers before?

MS. CALISE: No, it is not.

SEN. ROSENWALD: Thank you.

CHAIRWOMAN WALLNER: Further questions on this item on number 130? Seeing none, let's move on to Item 133 and this is the Dashboard. And I believe, Senator Rosenwald, did you pull this one off, also?

SEN. ROSENWALD: No, I didn't; but I'm always curious about the financial aspects that we use on the Dashboard.

CHAIRWOMAN WALLNER: Who was it? I'm sorry, I didn't get who was it that asked?

SEN. KAHN: Senator Kahn.

CHAIRWOMAN WALLNER: Oh, Senator Kahn.

SEN. KAHN: Thank you, Madam Chair. I am looking at the DCYF staffing. It's Table 5 in the attachment. And noticing, you

know, through the history the number of Assessment Workers, Family Service Workers, Intake, and seeing that the number of staff with cases is pretty consistent over time. But -- so that's an observation. At least we've held our own, though there's money for additional staffing. So it just caused me to think about our goal with the additional staffing was to try to decrease the caseload; but maybe events have taken place have caused that caseload per staff member to have decreased over time. And that's my question is try to understand where is the caseload now per assessment and case worker?

MS. SHIBINETTE: Thanks for the question. I don't have the exact caseload numbers. I know there is a reduction there, mostly based on overall reduction and intakes and open assessments that we have. But we have you'll notice in our numbers that our vacancy rate has been consistently going down since last year, especially in the Family Service Workers, which we often see people transfer from Assessment Worker into Family Service Worker. But I can have Director Joe Ribsam follow-up with the exact number through the end of May, and I can get him to file that report with you. But we have seen a reduction in caseload, both because of the number of cases and our increase in staffing. Our vacancy rate is going down slowly but surely.

SEN. KAHN: Great. Thank you very much.

CHAIRWOMAN WALLNER: Further questions?
Senator Rosenwald, you have a question on the Dashboard?

SEN. ROSENWALD: May I ask a question, Madam Chair?

CHAIRWOMAN WALLNER: Yes, please.

SEN. ROSENWALD: Thank you. I just wondered where now that the biennium is half over, where the Department is, how the lapse looks and what the Department's thinking is on the \$25 million back-of-the-budget cut, when we will see some information on that?

MS. SHIBINETTE: Sure. So we are running our lapse numbers for the first year of the biennium now. We still have about a week or so now process for expenditures. We haven't fully calculated our revenue lapse yet. We do anticipate to be in the ballpark of our last target that was set forth for the first year.

The second year, which is where we'll see the 25 million back-of-the-budget cut, I do expect to be able to meet that with the lapse. As you know and as the Governor has said publicly that, you know, we're looking at all of the programs within the Department because there is an anticipated revenue shortfall due to the COVID-19 Pandemic. So I think that we'll be taking a hard look at all of our programs in the coming six to eight weeks to really decipher where those cuts are coming from.

SEN. ROSENWALD: Thank you.

MS. SHIBINETTE: You're welcome.

CHAIRWOMAN WALLNER: Further -- further questions? Further questions? I do have a request. I don't anticipate that Fiscal Committee will meet in August. Usually, we don't meet in August. And I wondered if the Dashboard, the July Dashboard, could be forwarded to the Committee, even though we won't have a meeting, could that be forwarded to the LBA, and then they would forward it on to us so that we would have the up-to-date information, even though we won't be meeting that month. Is that possible?

MS. SHIBINETTE: Yes, we will make sure that that gets sent.

CHAIRWOMAN WALLNER: Great! Thank you. I appreciate it. Thank you. Further questions on the Dashboard? Seeing none, let's move on to Item 136. This also is the Health and Human Services item, and I'm not sure who -- I can't remember who took it off.

SEN. KAHN: Senator Kahn.

CHAIRWOMAN WALLNER: Senator Kahn. Senator Kahn, do you have questions on this item?

SEN. KAHN: Thank you, Madam Chair. I would like to inquire, maybe the LBA staff has -- would like to respond and maybe hand it off; but this item makes note of a transfer of General Funds to cover a State share of the FEMA related costs for the Covid emergency. And it seems that we had an open question about whether CARES Act money could be used for that 25%, both saving the State's match share and local communities' match share of that total -- of the 25% not covered by FEMA. So I think we -- we've got some recent information that that's possible. And I guess between LBA and the Department trying to understand are we going to be able to avoid the General Fund effort needed here to make that match and would be one question. And then, second, have we provided the assurances back to local communities about the -- them not having to worry about local expense to try to make that match?

MS. SHIBINETTE: This is Commissioner Shibinette. So we were notified on 7/1 that we could use CARES Act funds to cover the 25%. So we're evaluating the lines that we transferred General Funds for to see what funds or what lines we're going to transfer money back into for the current budget year. As of -- as for the local communities, if Jenn Harper's on the line, I'd like her to address that. She's kind of in the lead with the local communities in regards to FEMA.

MS. REED: Representative Wallner, this is Fallon. Hum -- Director Harper's not on the line, but I can speak to the FEMA match by for the local if that's okay.

CHAIRWOMAN WALLNER: Oh, that's fine. Thank you, Fallon.

MS. REED: Sure thing. In my day job, this is one of the programs that I oversee; but the local communities are aware that the CARES money can be used as their match and they are working through that both with the GOFERR Office and the field staff for Homeland Security and Emergency Management to account

for that. So once we got the information from Federal Treasury, as Commissioner Shibinette mentioned, that information was shared with the locals and they are aware of that.

SEN. KAHN: Thank you. Madam Chair, may I make a request?

CHAIRWOMAN WALLNER: Yes, you can.

SEN. KAHN: And I'd be interested in seeing what the revision is then to this item so that we could see where the dollars are going back and how -- yeah, what the impact of using the CARES money is to avoid the use of these dollars.

MS. SHIBINETTE: So this is Commissioner Shibinette. I don't think there will be a revision to this item as this is for Fiscal Year that ended 6/30. So if money were to be transferred back into these lines, it would be for our current Fiscal Year beginning 7/1. It would be a new item.

SEN. KAHN: Because the funds --

CHAIRWOMAN WALLNER: I -- I would wonder will we be seeing that? Will you be bringing that item -- that new item forward?

MS. SHIBINETTE: Yeah. Any monies that we transfer into those lines from CARES Act would be -- would be brought to this Committee as -- as a new item.

CHAIRWOMAN WALLNER: Thank you. Senator Kahn, I'm sorry, I interrupted. Did you have another question?

SEN. KAHN: No. I, you know, I think the upshot from this is there are some ways for us, particularly through the emergency response, to -- to use the CARES Act money in manners that are appropriate, but it also provide the State and its Departments with additional budget flexibility as we go forward. I think learning as much about how we can use the dollars and that kind of thought process, I think that's going to be helpful for the

Committee -- the Fiscal Committee to understand. So thank you for following up.

CHAIRWOMAN WALLNER: Thank you. Are there further questions on this item? Seeing none, thank you, Commissioner. We appreciate you being available for questions.

And I believe the last item that there were some questions about was Item 144, and this is about transitional housing, and I know the -- I hope the Commissioner is still on the line, and I know Senator D'Allesandro, do you have some questions about this item.

SEN. D'ALLESANDRO: Thank you, Madam Chairman. And Commissioner, I just hope that you'll give a brief precis on what's happened with regard to transitional housing. Why moves were made, how those moves were made, and what's -- what is the result at the present time?

MS. SHIBINETTE: Sure.

SEN. D'ALLESANDRO: That was a budgeted item, that was going to be an RFP, and we had a conversation about this. Just so that we have a clear line of communication as to why you made the decision to go to -- to go to Philbrick, to re-retrofit Philbrick, move people out of Philbrick someplace else, move patients into Philbrick, how this -- how this all occurred and it just occurred very rapidly. And I just think the communication was -- was a bit flawed as far as this situation was concerned in light of -- in light of the fact that it was a budgeted item. We gave direction through the budget and this was a fairly significant change. I appreciate you just giving an articulation and I know you've done it with me, but I think everybody should be aware of this as it affects all of us.

MS. SHIBINETTE: Sure. The money allocated in the budget for transitional housing will be used for transitional housing. You know, we did an RFP to re-procure the current beds that we had. One of our vendors chose not to go forward with -- with

re-procuring their beds, and we're going to find another vendor to -- to keep those beds operational. But, you know, one of the things that we have learned in our community, especially during Covid, is that there is not a lot of appetite out there to start standing up new programs in this time.

So that coupled with, you know, an ongoing legal matters involving E.R. boarding and some -- I wouldn't say decisions but opinions on what our obligations are as a state really necessitated quick moves on our part to build some capacity in our system. That building, you know, prior to, I think, probably 2010, 2011, had always been in the mental health system through children services. And, as you know, when we brought that building off line and moved the kids over to New Hampshire Hospital we lost about 48 adult beds.

So the decision was to bring that building back into the mental health system, and for now use it as transitional housing units. So it will have 16 beds transitional housing which would result in 16 people moving out of New Hampshire Hospital and into that facility. It's not going to be a locked facility. It is going to be for people that are ready for discharge and waiting for apartments or need continuing -- continuing work around their treatment plan of both transitioning back to the community. So, you know, the intended purpose for those dollars was to be used for transitional housing, which it will be.

The estimate right now that between the minor renovations we need to make and the first nine months or so of operational costs, it'll take about 3 million of that five. We will RFP the remaining dollars from that to stand up additional community transitional housing beds. And, hopefully, we will -- we do have a small amount of interest in a couple of different parts of the state. We don't expect it to be significant, but perhaps another ten or 12 beds. But my plan for that building is for now that it will be transitional housing as we're dealing with the E.R. boarding crisis. Once we are able through the years to build out the other parts of the Ten-Year Mental Health Plan, whether it be through community-based transitional housing,

mobile crisis, things like that, being able to take that building and convert it into what the system needs at that time, you know, it really for me is a pivot space that -- that we're able to use when there is a gap in service.

So right now that gap is transitional housing. In the future it could be substance use, like a dual diagnosis. There's a variety of things that I can see that as we build out our Ten-Year Mental Health Plan that there could be a need there in the community. But I would say for at least the next couple of years that it will be transitional housing as we build out our community support.

SEN. D'ALLESANDRO: Well, thank you, Commissioner, and thank you for the explanation. I think everyone now is -- is aware of the fact that there was an immediate need. The immediate need has been addressed. You did move the children out of New Hampshire Hospital. You are renovating New Hampshire Hospital so that you have created more space. You needed this space for transitional housing. I think it's just good that we all are in sync with these issues, because we participated in the process, we build a budget, we ask certain things to happen within the confines of that budget and when there are changes, it's important that you let us know.

So I appreciate -- I appreciate your response. And thank you for your good work, and for the kind of work that your Department is doing during this crisis. It's greatly appreciated by the citizens of the State of New Hampshire. I think it's a real tribute to your work as Commissioner and to the staff. Please extend my sincere thanks, and I think the sincere thanks of everybody on this Committee for the work that's being done.

And just a side note. Chris Tappan is leaving the State of New Hampshire. I think she's leaving on the 17th of this month. And I commend her for her outstanding work at the Department. She's been a credit to the Department. We are sorry that she's leaving. I know you'll find someone to succeed her; but wish her

the very, very best and extend to her my thanks for the great work that she has done for the Department and, again, for the people of the State of New Hampshire. Thank you, Madam Chairman.

MS. SHIBINETTE: Thank you, Senator.

CHAIRWOMAN WALLNER: Thank you, Commissioner Shibinette. That was very, very informative, and I appreciate the update that you just gave us and your plans for the use of the Philbrick Center. And I would echo Senator D'Allesandro's sentiment about Chris Tappan leaving the Department at this point. I think she's been a really valuable member of your team and we'll definitely miss her. So please let her know for us -- from us that we appreciate all the work she's done for the State of New Hampshire.

MS. SHIBINETTE: I will.

CHAIRWOMAN WALLNER: Thank you. And thank you for being here. I know you've got a really busy schedule, for sure.

SEN. KAHN: Madam Chair.

CHAIRWOMAN WALLNER: Yes, Senator Kahn.

SEN. KAHN: Senator Kahn here and might I ask a question comparable to what Senator D'Allesandro's just asked?

CHAIRWOMAN WALLNER: Yes, of course.

SEN. KAHN: Or not. Thank you, Madam Chair. And thank you, Senator "D", for asking that question. That was really good insight. I think we were all very concerned about the follow through on transitional housing.

Another item that would be helpful to hear an update and maybe if not today through some correspondence in the Monadnock region, but I think it's a state-wide concern about the Crotched

Mountain Rehabilitation Center and its closure of its residential programs.

There are two aspects to that that I'd be looking for some follow-up on. One is there were ten children that were DCYF cases. They did not have family placements and needed some residential care. So as I understand it, those ten children will now need to be placed elsewhere. And I'm just curious of how quickly the Department's going to be able to respond for placement of those children.

And the second part of that is then that we're losing a out-of-district placement possibility for 30 New Hampshire kids that are -- I guess that's 39 New Hampshire kids that were needy of severe behavioral disorders and services related to those disorders and communication disorders. So we've lost that resource. And I think we're -- certainly the school districts in my area are very concerned about are there going to be alternatives this fall for residential placement and if that guidance is going to be available soon.

MS. SHIBINETTE: Thank you for bringing that topic to the table, Senator. What I can tell you is that DHHS has transition teams working with Crotched Mountain. For the kids it is DCYF and the Department of Education and the local school districts that are looking for the appropriate alternate placement for the children that are in residential -- in a residential school setting. And then we also have 24 adults that have developmental disabilities that have residential placements there, and the developmental teams, the developmental disability team is working with Crotched Mountain to find placement.

Some of them we expect to have no issues finding placement for them. There are other more complex people that are placed there that are going to take a little bit longer. But there are ongoing discussions and work teams that are working on it now.

As for the future of residential placements, we're not there yet on being able to identify new providers or alternate

providers. It's a fairly new development in the last couple of weeks, but it's something that the Department's going to be looking at over the summer on what our capacity is in the community for placement, not just for kids but also for our adults with developmental disability.

SEN. KAHN: Thank you. Madam Chair, if I might ask that this is a fairly recent development over the last month, and I think it would be helpful for us to understand how the Department is -- whatever advice they believe they can provide, I think the Committee would be interested in seeing and hearing about that in the same way the question about Philbrick and transitional housing. Plans changed the need to be responsive. The State needs changes for the Department, and I think that be helpful for the Department to keep us posted. Thank you.

CHAIRWOMAN WALLNER: I agree. And we probably might want to -- we might want to have some conversation with the Department of Education. It certainly affects our public school system. So as we move forward, we should be sure to get updates on what's happening with the Crotched Mountain.

So any further -- any further items people need to discuss? Hearing none.

(9) Date of Next Meeting and Adjournment:

CHAIRWOMAN WALLNER: The last item on our agenda today is to set a meeting for -- I think that we will skip the August meeting. It's been sort of our tradition to not have an August meeting, I guess, in the even years and we will have our next meeting in September. The dates that were available were September 11th and September 18th, and I think using September 18th would be preferable to using September 11th, since that's the day of memorial in our country. And, also, administratively I think it would be easier if we do it a little bit later so that we can get all the items in, especially with Labor Day coming in there.

So if there are no objections to doing it on -- to having our next meeting on September 18th, that will be the date that we'll set. Hearing no objection, I will move that we adjourn the Fiscal Committee for -- of July 2020. All in favor?

SEN. D'ALLESANDRO: Aye.

SEN. ROSENWALD: Aye.

REP. OBER: Aye.

CHAIRWOMAN WALLNER: Any opposed?

***** {MOTION ADOPTED}**

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

CHAIRWOMAN WALLNER: Thank you. Thank you and I hope you all have a wonderful -- a wonderful summer, and we'll see you back in the fall.

(The meeting adjourned at 11:08 a.m.)

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

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcription from my shorthand notes and the Vast Conference audio on said date, to the best of my ability, skill, knowledge and judgment.

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

JOINT LEGISLATIVE FISCAL COMMITTEE

July 10, 2020