

JOINT LEGISLATIVE FISCAL COMMITTEE

VAST Conference

Friday, May 8, 2020

MEMBERS PRESENT:

Rep. Mary Jane Wallner, Chair

Rep. Susan Ford

Rep. Peter Leishman

Rep. Lynne Ober

Rep. Erin Hennessey (Alt.)

Sen. Lou D'Allesandro

Sen. President Donna Soucy

Sen. Jay Kahn

Sen. Cindy Rosenwald

Sen. Regina Birdsell (Alt.)

(The meeting convened at 10:04 a.m.)

(1) Call In Instructions:

MARY JANE WALLNER, State Representative, Merrimack County, District #10: Thank you and good morning, and welcome to the May 8th, 2020, Fiscal Committee meeting. This is our third remote meeting. My name is Mary Jane Wallner, and I'm the Chair of the Joint Fiscal Committee. And as the 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 2020-05, 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 electronic meeting. All members of this Committee and the staff of 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 had noticed 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 the Legislative Budget Assistant at GenCourt.state.nh.us\LBA\Budget\FiscalCommittee.

And three: We are 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, G-O-V.

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 are to be taken during this meeting shall be done by roll call vote. And let's start the meeting by taking a roll call of attendance. When the members state their presence, please also state whether there is any one in the room with you during this meeting which is required under the Right-To-Know Law. And I will ask the Clerk, Representative Ford, who is standing in today for Representative Weyler, to take the roll.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

SUSAN FORD, State Representative, Grafton County, District #03: Thank you, Madam Chair. Representative Wallner.

CHAIRWOMAN WALLNER: Representative Wallner is here and I'm at my home in Concord, NH, and I am alone.

REP. FORD: Thank you. Representative Leishman.

(No response.)

REP. FORD: Representative Leishman.

(No response.)

REP. FORD: Representative Ford is here and I'm alone at my home in Easton. Representative Hennessey.

ERIN HENNESSEY, State Representative, Grafton County, District #01: Erin Hennessey. I'm at my home in Littleton with my two minor children.

REP. FORD: Representative Ober.

(No response.)

REP. FORD: Representative Ober.

LYNNE OBER, State Representative, Hillsborough County, District #37: I am here. I am currently outside and I'm alone.

REP. FORD: Thank you. Senator D'Allesandro.

LOU D'ALLESANDRO, State Senator, Senate District #20: This is Senator D'Allesandro. I'm at home and I am alone.

REP. FORD: Senator Soucy.

DONNA SOUCY, State Senator and Senate President, Senate District #18: This is Donna Soucy. I am at home in Manchester, and I am alone.

REP. FORD: Senator Kahn.

(No response.)

REP. FORD: Senator Kahn.

(No response.)

REP. FORD: Senator Rosenwald.

JAY KAHN, State Senator, Senate District #10: Kahn is present and at home in Keene. No one else present.

REP. FORD: Thank you. Senator Rosenwald.

CINDY ROSENWALD, State Senator, Senate District #13: Cindy Rosenwald. I am at home alone.

REP. FORD: Senator Morse is not here. Senator Birdsell.

REGINA BIRDSELL, State Senator, Senate District #19: I am here at my home in Hampstead and I am alone.

REP. FORD: Thank you. Madam Chair, the only one that I have not heard back from is Representative Leishman.

(2) Acceptance of Minutes of the April 20, 2020 Special Meeting:

CHAIRWOMAN WALLNER: Thank you, Representative Ford, for taking the roll. And so I think at this point we will proceed to our agenda. And the first thing on our agenda this morning is to accept the minutes of April 20, '20. And if I could have a motion on the -- on the acceptance of the minutes.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

** SEN. D'ALLESANDRO: Senator D'Allesandro. I would move acceptance of the minutes.

CHAIRWOMAN WALLNER: Thank you, Senator D'Allesandro. Do we have a second?

SEN. KAHN: Senator Kahn seconds.

CHAIRWOMAN WALLNER: And Senator Kahn seconds. Thank you. Is there any discussion of the minutes of April 20, '20? Hearing no discussions, I will ask the Clerk to call the roll. The motion is to accept the minutes of April 20, 2020.

REP. FORD: Representative Leishman.

(No response.)

REP. FORD: Representative Ford votes yes. Representative Hennessey.

REP. HENNESSEY: Erin Hennessy votes yes.

REP. FORD: Representative Ober.

REP. OBER: Yes.

REP. FORD: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. FORD: Senator Soucy.

SEN. PRESIDENT SOUCY: Yes.

REP. FORD: Senator Kahn.

SEN. KAHN: Yes.

REP. FORD: Senator Rosenwald.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

SEN. ROSENWALD: Yes.

REP. FORD: Senator Birdsell.

SEN. BIRDSELL: I'm going to abstain since I wasn't here last month.

REP. FORD: Thank you. Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. FORD: The vote is 8 to 0 with one abstention.

*** **{MOTION ADOPTED}**

(3) Old Business:

CHAIRWOMAN WALLNER: Thank you, Representative Ford. And we'll move on now to Tab (3) and Old Business. Any motion for this tab? Hearing none, we'll move on to our first Consent Calendar.

CONSENT CALENDAR

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

CHAIRWOMAN WALLNER: This is Tab 4 and it is Item 20-086, and it is a Department of Transportation item. And I have already been notified that someone has some questions about this. So if we could have someone from the Department of Transportation join us for the questions. Thank you.

FALLON REED, Planning Chief, State Coordinating Officer, Department of Safety: Marie Mullen's line is open, ma'am.

CHAIRWOMAN WALLNER: Thank you, Miss Mullen. Questions for Miss Mullen? I hear no questions. I think someone did ask to have this taken off the Consent Calendar, so.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

SEN. KAHN: I raised my hand. Senator Kahn here. Madam Chair.

CHAIRWOMAN WALLNER: Senator Kahn, yes, you have a question?

SEN. KAHN: Yes, I do. The significant transfer here of \$15 million and it's a part of the current Ten-Year Plan. But I was -- there was some specificity of the land interests that were going to be acquired and so I was -- I was interested in which projects this amount of transfer was necessary.

MARIE MULLEN, Director of Finance, Department of Transportation: Thank you, Senator Kahn. For the record, this is Marie Mullen. I'm the Director of Finance for the New Hampshire Department of Transportation, and the -- this item is related. We have hundreds of projects in our Ten-Year Plan, all of which have design, right-of-way, and construction phases in there. For the biennium, we have about 360 million in federal dollars in the program that we appropriate funding for. And so we're asking to adjust this 15 million and most of that is based on just the changes that occur when you have hundreds of projects. We have to base the budget on the previous year's Ten-Year Plan. Some of you may not be aware that the Ten-Year Plans are approved on the off budget years. So when we're actually building the budget, we're building it off of the previous year's Ten-Year Plan. And then while we're in our current, you know, current budget, we have a new Ten-Year Plan passed as designs are finalized and better costs are realized and assumed on the thing. So we need to adjust sometimes the appropriations to align with the revised and updated costs. And as those occur, they get updated in the next Ten-Year Plan that are -- that is before actually many of the Committee -- Public Works Committee right now.

So I don't have specific projects because there's hundreds; but this is just to align it so that we can continue with what's in the Ten-Year Plan for the projects that are in the Ten-Year Plan.

CHAIRWOMAN WALLNER: Further question?

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

SEN. KAHN: No, thank you, Madam Chair.

CHAIRWOMAN WALLNER: Thank you. Any other members have questions of Miss Mullen?

MS. REED: I'm not showing any others.

CHAIRWOMAN WALLNER: Okay, thank you.

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

CHAIRWOMAN WALLNER: Thank you. I would like to thank Miss Mullen for coming up and answering the questions. And Senator D'Allesandro moves to accept the item -- to approve of the item. Is there a second?

SEN. BIRDSELL: Second from Senator Birdsell.

CHAIRWOMAN WALLNER: Thank you. Senator Birdsell seconds the motion. Further discussion on this item? Hearing none, I'll ask the Clerk to call the roll.

REP. FORD: Representative Ford votes yes. Representative Erin Hennessey.

REP. HENNESSEY: Yes.

REP. FORD: Representative Ober.

REP. OBER: Yes.

REP. FORD: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. FORD: I'm sorry, I didn't hear that. Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

REP. FORD: Senator Soucy.

(No response.)

REP. FORD: Senator Soucy.

(No response.)

REP. FORD: Senator Kahn.

SEN. KAHN: Yes. Yes.

REP. FORD: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. FORD: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. FORD: Senator Soucy.

(No response.)

REP. FORD: And Senator -- Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. FORD: The vote is eight yeses, zero nos.

CHAIRWOMAN WALLNER: The motion passes 8 to 0. Thank you.

***** {MOTION ADOPTED}**

MS. REED: Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

MS. REED: I'm sorry. Representative Leishman has joined as a speaker now. He's on there.

CHAIRWOMAN WALLNER: Okay. Great. Thank you very much. Welcome, Representative.

PETER LEISHMAN, State Representative, Hillsborough County, District #24: Good morning. I could hear you folks, but I guess you couldn't hear me.

CHAIRWOMAN WALLNER: Oh, okay. Okay.

REP. FORD: Okay.

CHAIRWOMAN WALLNER: Do you want to introduce yourself and are you at home or give your location.

REP. LEISHMAN: Yes. Peter Leishman, and I'm at home alone.

CHAIRWOMAN WALLNER: Thank you, Representative Leishman.

(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 WALLNER: And we'll move on now to Tab 5, and there are many items on this Consent Calendar. Are there any that people would like to take off? No items to be removed from this Consent Calendar? Seeing no items to be removed from this Consent Calendar, is there a motion?

****** SEN. D'ALLESANDRO: I would move the Consent Calendar.

SEN. BIRDSELL: Senator --

REP. LEISHMAN: Second.

CHAIRWOMAN WALLNER: Senator D'Allesandro moved the Consent Calendar, and I did hear a second but I don't know who it was.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

SEN. BIRDSELL: Senator Birdsell second.

REP. LEISHMAN: I'll second it, Madam Chair. Oh.

CHAIRWOMAN WALLNER: Senator Birdsell seconded that motion. Any discussion? Hearing none, I will ask the Clerk to call the roll.

REP. FORD: Thank you, Madam Chair. Representative Leishman.

REP. LEISHMAN: Yes.

REP. FORD: Representative Ford votes yes. Representative Erin Hennessey.

REP. HENNESSEY: Hennessey votes yes.

REP. FORD: Representative Ober.

REP. OBER: Yes.

REP. FORD: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. FORD: Senator Soucy.

(No response.)

REP. FORD: Senator Kahn.

SEN. KAHN: Yes.

REP. FORD: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. FORD: Senator Birdsell.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

SEN. BIRDSELL: Yes.

REP. FORD: And Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. FORD: The vote is nine yeses, zero no.

CHAIRWOMAN WALLNER: Thank you.

SEN. PRESIDENT SOUCY: I apologize. This is Donna Soucy. I just had to leave the room for a moment. I do vote yes.

CHAIRWOMAN WALLNER: So it sounds like the motion passes 10 to 0; is that correct?

REP. FORD: Yes, that's correct.

CHAIRWOMAN WALLNER: Thank you. Motion passes.

***** {MOTION ADOPTED}**

(6) RSA 7:12 Assistants:

CHAIRWOMAN WALLNER: Let's move on now to Tab 6, and this item there's one item here. And this item is 20-071, a Department of Justice item. Do I have a motion on -- would people like to have someone come up to speak to this item?

REP. LEISHMAN: I have a motion, Madam Chair.

CHAIRWOMAN WALLNER: Okay. Do you want to have someone speak or do you want to make your motion first?

REP. LEISHMAN: I'd like to make the motion and like to speak to the motion if I get a second.

CHAIRWOMAN WALLNER: Okay. I'll recognize Representative Leishman for a motion.

****** REP. LEISHMAN: Madam Chair, I'd like to move that the Department of Justice request to accept and spend \$620,832 be reduced by \$100,000 to a total of \$520,832.

CHAIRWOMAN WALLNER: Representative Leishman moves that the item for the Department of Justice be -- well, I'm sorry, you'll have to -- I don't have it written down. So I will -- you'll have to read it to me again. Could you just say it again for me?

REP. LEISHMAN: Sure, Madam Chair. I would move that the Department of Justice's request to accept and spend \$620,832 be reduced by 100,000 to a total of \$520,832.

CHAIRWOMAN WALLNER: Thank you. Do we have a second for that?

SEN. D'ALLESANDRO: I would second. I would second that motion. Senator D'Allesandro. I would second that motion.

CHAIRWOMAN WALLNER: Thank you. Senator D'Allesandro seconds that motion. And, Representative Leishman, could you speak -- would you like to speak to your motion?

REP. LEISHMAN: I would, Madam Chair, and thank you. By this motion I think a number of us recognize that we're facing perhaps a \$300 million budget shortfall. The Fiscal Committee has a long history of getting in front of budget shortfalls and the stabilization of the State Budget in a time of crisis. One of the things that caught my attention is that I spoke to Representative Major earlier this morning, and he expressed some grave concern. I've always had the greatest respect for Representative Major and his time on the Ways and Means Committee. And he pointed out to me that what people aren't -- aren't seeing, they are seeing the shortfall in Rooms and Meals and other taxes, but there's the business credits that exist, the carryover credits, he anticipates perhaps the

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

\$250 million credit taking which would further impact the deficits.

So I do believe that the Attorney General will use his best judgment to make use of the available funds if this motion passes, and I further feel more confident that in the last sentence of his document that he did present to the Fiscal Committee that he states that any unspent appropriation would lapse to the General Fund at the end of the Fiscal Year. I'm just hoping that he can lapse the money a little earlier than waiting to the end of the year. So that's it, Madam Chair.

CHAIRWOMAN WALLNER: Thank you, Representative Leishman. Further discussion?

SEN. D'ALLESANDRO: I would like --

SEN. BIRDSELL: I would like to say something.

SEN. D'ALLESANDRO: Go ahead.

CHAIRWOMAN WALLNER: I'm sorry?

SEN. BIRDSELL: Senator Birdsell. I had my hand up.

CHAIRWOMAN WALLNER: Okay.

SEN. BIRDSELL: I just want to say that by cutting the Attorney General's budget, I want you to understand that you are impacting his capability. You're, in essence, cutting back on his capability of doing his Constitutional duty which is defending us against different litigations. And, again, it's a Constitutional duty that we are preventing him from doing his job. This is the first time -- this is only the second time I've ever seen this happen in my years in the Senate. Thank you.

CHAIRWOMAN WALLNER: Thank you, Senator. Further discussion?

SEN. D'ALLESANDRO: Yeah, this is Senator D'Allesandro.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

CHAIRWOMAN WALLNER: Yes, Senator D'Allesandro.

SEN. D'ALLESANDRO: Thank you, Madam Chair. I don't -- I don't believe we are in any way interrupting the Attorney General's Constitutional responsibilities. We're forwarding him 500,000 plus dollars to do the work that he has to do; he has to do this on a priority basis, obviously. And, indeed, the Governor has called for a limitation in travel, called for a limitation in spending. I think this is consistent with the Governor's request that people be very careful about their spending at this point in time.

As Representative Leishman clearly stated after talking with Representative Major, you know, we're -- we're in the process of looking at a shortfall in revenues that could reach \$300 million. Now, I know that I've done some work on it. I think it's between the 200 and the 300 million dollar range. So I think it's important that we be prudent. And key statement by the Attorney General is that if he didn't spend it, he would lapse it. And I would think spending another half a million dollars between the month of May and June, it's pretty difficult task. I don't think it will interrupt his activity responding to his Constitutional duties which he has to do. And, indeed, I think it's a reasonable, prudent request by Representative Leishman. It makes sense given the fiscal situation and, indeed, our -- our watchdog response to taking care of the financial condition of the State of New Hampshire. Thank you, Madam Chair.

SEN. BIRDSELL: Madam Chair, can we at least hear from the AG and see if it will impact his budget at all?

CHAIRWOMAN WALLNER: Yes, of course. Is someone from the Attorney General's Office available?

REP. OBER: Madam Chairman, I've had my hand raised to discuss. Is the five star not working so that you do not know who's raising their hand?

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

MS. REED: If I may, ma'am. This is Fallon. I just need you to hit five star and then just wait to be called on if it's okay. I do see Representative Ober and Senator Soucy's hand raised. I just haven't had the opportunity to let you know, ma'am.

CHAIRWOMAN WALLNER: Okay. Thank you. Again, I will recognize Representative Ober.

REP. OBER: Madam Chairman, it's okay. I just wanted to know. People seem to be talking and I raise my hand. And there is a request on the floor and, basically, I was going to ask the maker of the motion how much he had consulted with the Attorney General and, perhaps, the Attorney General can answer this himself prior to making the motion.

As you know, last month we had a similar motion for the Judicial Council; but I spent a number of hours prior to the making of that motion working with the Judicial Council on actual needs, on invoices in hand, on where that money was going to go before that motion was made. So I was just curious if we had done that type of due diligence; and if we hadn't, hopefully, the Attorney General can speak to that. Thank you.

CHAIRWOMAN WALLNER: Thank you, Representative Ober. And yes, I think -- I have asked someone from the Attorney General's Office to come up for a question. And I think Senator Soucy also had her hand up.

SEN. PRESIDENT SOUCY: Yes, I did, Madam Chair. I just wanted to point out that this is not a cut to the Attorney General's budget. My understanding is the Attorney General's budget remains intact; but, in fact, this was a request for additional funds over and above his budget. So I don't think it's unreasonable given the frequency with which this Committee is meeting for Representative Leishman to make his motion; but be happy to hear from the Attorney General himself or his designee about the impact.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

CHAIRWOMAN WALLNER: Thank you, Senator. Are there any further hands up, Fallon?

MS. REED: Yes, ma'am. Representative Leishman.

CHAIRWOMAN WALLNER: Representative Leishman. I will let Representative Leishman, then we'll have someone from the Attorney General's Office.

REP. LEISHMAN: Thanks, Madam Chair. In response to Representative Ober's concern or question, I did prepare some questions for the LBA to submit to the Attorney General's Office, but I don't believe they gotten a response yet to those questions. I'm not sure. But I haven't gotten a response.

CHAIRWOMAN WALLNER: Thank you.

REP. LEISHMAN: Thanks, Madam Chair.

CHAIRWOMAN WALLNER: And I will ask someone from the Attorney General's Office to come on the recording and answer some questions.

GORDON J. MACDONALD, ESQ., Attorney General, Office of Attorney General, Justice Department: Madam Chair. Madam Chair, it's Gordon MacDonald. Can you hear me?

CHAIRWOMAN WALLNER: Yes. Thank you. Thank you, Attorney General. Yes, I think there are questions and I'm waiting to see some hands up.

ATTORNEY MACDONALD: Well, may I --

CHAIRWOMAN WALLNER: Okay.

ATTORNEY MACDONALD: May I just respond?

CHAIRWOMAN WALLNER: Yes, please.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

ATTORNEY MACDONALD: First of all, good morning, Madam Chair, and to Members of the Committee. I hope everyone is safe and well in these challenging times.

As to Representative Leishman's comment, we have received four questions through the Legislative Budget Assistant, and we've responded to all of them. So if there's a pending or pending questions that have not been responded to, I have not received them; but, obviously, I'm here and prepared to respond.

To the larger issue, included with the package that I presented to the Committee is a highly detailed budget for all of our cases between now and the end of the Fiscal Year, and it represents my best estimate of what we need to do to discharge our duties to protect the public and defend the State in civil litigation, and that is the position of me and this office. Those are the funds that we are seeking to do our job and that number is \$620,832.

CHAIRWOMAN WALLNER: Thank you. Are there questions for the Attorney General?

MS. REED: Yes, Representative Ober has her hand raised.

CHAIRWOMAN WALLNER: Yes, Representative Ober.

REP. OBER: Thank you, Madam Chairman. Good morning, AG MacDonald. My question initially was, and I'm not sure you've answered it, I did think your preparation what you submitted to the Committee was pretty clear; but my question was how much work have you done directly with the maker of the motion so that he understands what impact this is going to have on your ability to do your Constitutional duties?

ATTORNEY MACDONALD: Thank you, Representative Ober. I've not had -- I've had communication with Representative Leishman on another issue but not directly on this issue. So the answer is none.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

REP. OBER: Okay. Follow-up. Can you kind of highlight for us what your Constitutional duties are? Because I know Senator Birdsell mentioned that and, yes, I just mentioned it. And I want to be sure that what you have submitted really does comply with what the Constitution has asked you to do and you're not in any way going beyond your assigned duties.

ATTORNEY MACDONALD: Thank you, Representative Ober. I will respond this way. First, I'd like to note for the record that in the wake of the Fiscal Committee's meeting in January, I had sent two letters to the leadership of the Legislature, Speaker Shurtleff and President Soucy, along with Representative Wallner and Senator D'Allesandro as Chairs of their respective committees outlining my concerns about what happened in January and how they impact our responsibility to do our job. And in my letter dated January 16th, 2020, which I will, if members don't have, I would ask be included as part of the record, I set forth at length the duty of the Attorney General with respect to defending the State and protecting the public.

In the office of -- just to summarize, the Office of Attorney General has existed in our state since 1683. It's got common law, statutory, and Constitutional responsibilities that are broadly directed at protecting the public. When it comes to litigation, our Supreme Court has stated that the Executive Branch has the exclusive power to enforce the law, and that the Attorney General shall act for -- now according to statute, the Attorney General shall act as attorney for the State in all criminal and civil cases in the Supreme Court in which the State is interested. Our duties as Executive Branch officers are to defend and enforce the laws of our State.

The litigation fund, RSA 7:12, was created by this Legislature in 1911 and has been a means by which we are able to draw on funds to support this Constitutional mission, and that goes from minor expenses, to paying stenographers in depositions, to more significant expenses, including the retention of outside counsel.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

So I hope that answers the Representative's questions. But -- and I'm happy to respond to anything further, but that is -- is our Constitutional role, my Constitutional role as the Attorney General.

REP. OBER: Thank you, AG MacDonald. Madam Chairman, one final question. It's for you. Can you have LBA make the letter from January or any other communication relating to this that you have received from the AG available to all Committee Members today?

CHAIRWOMAN WALLNER: I can ask the Legislative Budget Assistant if he can do that for us today.

REP. OBER: Thank you.

CHAIRWOMAN WALLNER: I will -- I think he hears the request, so. I can't see his head shaking, but I assume he heard us. Any further discussion of this item?

MS. REED: Yes, ma'am. Representative Leishman has his hand raised.

CHAIRWOMAN WALLNER: Yes, Representative Leishman.

REP. LEISHMAN: Thanks, Madam Chair. Again, I want to just stress this has no -- my motion is completely supportive of the Attorney General and their work. I believe that the in excess of a half million dollars I'm hoping will get them through this -- the last two months of the budget cycle. As the Senator pointed out, and I believe I pointed out initially in my remarks, we've seen a significant reduction in revenue coming into the state.

Additionally, the Judicial Branch is almost completely shut down, which should limit some of our legal expenses as far as the Attorney General is concerned. I know they've got a number of cases pending in Court, cases that have -- some have been

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

temporarily put on hold. So I'm hopeful that this small reduction of 130 or \$100,000 will not have an impact on the Attorney General's Office. And, again, we have two months left and should the Attorney General find it necessary to come back, either later this month or in June, that option is certainly available and I would support that.

CHAIRWOMAN WALLNER: Thank you, Representative Leishman. Further discussion?

MS. REED: I'm not seeing any other hands raised.

CHAIRWOMAN WALLNER: Thank you.

MS. REED: Oh, I'm sorry. Representative Ober has her hand up.

CHAIRWOMAN WALLNER: Oh, Representative Ober. Thank you.

REP. OBER: Thank you, Madam Chairman. I just wanted to say that given the Constitutional duties, given the needs of the State, I will be voting no on this motion. Thank you.

CHAIRWOMAN WALLNER: Thank you, Representative Ober. And further comment on this -- on this item? Okay.

MS. REED: I'm not seeing any other hands raised.

CHAIRWOMAN WALLNER: Thank you. I would like -- is it possible, I would like someone to read back the motion one more time just so people are aware of what they're -- of what they're voting on. And I don't have it. I don't have it written down so I'm going to ask Representative Leishman if he could read it one more time.

REP. LEISHMAN: Sure, Madam Chair. The motion states, "I move that the Department of Justice's request to accept and spend \$620,832 be reduced by \$100,000 to a total of \$520,832."

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

CHAIRWOMAN WALLNER: Thank you, Representative Leishman. Representative Leishman moved, and Senator D'Allesandro seconded the motion, and I will ask the Clerk to call the roll.

REP. FORD: Thank you, Madam Chair. Representative Leishman.

REP. LEISHMAN: Yes.

REP. FORD: Representative Ford votes yes. Representative Hennessey.

REP. HENNESSEY: No.

REP. FORD: Representative Ober.

REP. OBER: No.

REP. FORD: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. FORD: Senator Soucy.

SEN. PRESIDENT SOUCY: Yes.

REP. FORD: Senator Kahn.

SEN. KAHN: Yes.

REP. FORD: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. FORD: Senator Birdsell.

SEN. BIRDSELL: No.

REP. FORD: Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. FORD: The vote is seven yeses, three nos.

CHAIRWOMAN WALLNER: The motion passes 7 to 3.

*** {MOTION ADOPTED}

- (7) RSA 9:16-a, Transfers Authorized, and RA 14:30-a, VI Fiscal Committee Approval Required for Acceptance and Expenditure of Funds Over \$100,000 from any Non-State Source and Chapter 346:223, Laws of 2019, Transfer of Funds for Operation of the Sununu Youth Services Center:

CHAIRWOMAN WALLNER: Thank you. We'll move on now to Tab 7.

REP. OBER: Madam Chairman, if I might? That motion was to amend the request by a certain amount, did not approve providing the rest of the funding.

CHAIRWOMAN WALLNER: Thank you. I'm sorry about that. So do I have a motion, a new motion -- a motion on the item?

** REP. LEISHMAN: Move that we --

SEN. PRESIDENT SOUCY: Move the balance.

SEN. D'ALLESANDRO: Right.

CHAIRWOMAN WALLNER: Yes, move that we expend five hundred and twenty thousand -- \$520,832; is that the correct amount?

REP. LEISHMAN: That's correct, Madam Chair.

CHAIRWOMAN WALLNER: Okay. And Representative Leishman, did you move that?

REP. LEISHMAN: I did. I heard others in there; but I certainly move that.

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

CHAIRWOMAN WALLNER: Representative Leishman moves and Senator D'Allesandro seconds. And I have to ask the Clerk to call the roll again.

REP. FORD: Thank you, Madam Chair. Representative Leishman.

REP. LEISHMAN: Yes.

REP. FORD: Representative Ford votes yes. Representative Hennessey.

REP. HENNESSEY: No.

REP. FORD: Representative Ober.

REP. OBER: No.

REP. FORD: Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. FORD: Senator Soucy.

SEN. PRESIDENT SOUCY: Yes.

REP. FORD: Senator Kahn.

SEN. KAHN: Yes.

REP. FORD: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. FORD: Senator Birdsell.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

SEN. BIRDSELL: Yes. Sorry.

REP. FORD: Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. FORD: The vote is 8 to 2. Eight yeses, two nos.

CHAIRWOMAN WALLNER: Motion passes 8 to 2.

***** {MOTION ADOPTED}**

CHAIRWOMAN WALLNER: Now we'll move on to Tab 7, and this is a transfer. It's a Health and Human Services item. And I know there are questions on this one. Could we have someone from the Department come up and summarize this. This is a very lengthy document. Could someone maybe come up and do a summary of the request?

KERRIN ROUNDS, Chief Financial Officer, Department of Health and Human Services: Yes, of course, Chair. This is Kerrin Rounds, and I'm here with the Commissioner over at Emergency Operations Center.

So this item transfers about \$3.3 million in the Department. This is approximately less than 3% of our total General Fund budget and a significantly less percentage of our total budget. About \$1.3 million of this transfer is related to additional fringe benefits which is also known as post-retirement. So what this is an indication of is that we did not budget properly for this line item so that is something that we'll be working on to do better in the 22-23 budget. So, again, that makes up about \$1.3 million of the transfer.

Additionally, about \$300,000 is related to indirect costs and audit funds set aside. The same kind of issue, that we need to look at budgeting those two lines better going forward. There's also about a \$500,000 transfer to overtime. As you can

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

imagine, our overtime right now is higher than we budgeted. Between those things that I just mentioned that's about \$2.1 million of the transfer. So that's a significant portion of what this transfer is for.

There is some transfers of funds within Sununu Youth Center, and those are -- those are related to staff shortages and additional overtime. And I think that was a question that I had received. So that would be my general overview of the Department-wide transfer, and I'm happy to take any questions.

CHAIRWOMAN WALLNER: Thank you, Miss Rounds. Do we have questions concerning this item?

MS. REED: I'm not seeing any hands. Oh, I'm sorry. Senator Rosenwald has her hand raised.

CHAIRWOMAN WALLNER: Okay. Senator Rosenwald has a question.

SEN. ROSENWALD: Thank you, Madam Chair. As I was -- and good morning, Commissioner, and Miss Rounds. As I was looking at the narrative on this, I noticed that there were some contracts that were less than the appropriated amounts, and we did get a response from the Department, but only that wasn't a public response. So I'm sure you want to talk about it. But my question is some of these programs include hospital preparedness, HIV and STD prevention, the chronic disease program. Will there be any programmatic impacts on the services provided from these reductions to those programs?

MS. ROUNDS: No, not at all. Not at all. And any of the areas that we transferred funds from contract lines my response would be the same. It's not going to reduce any services that we're currently providing. They were funds that would have otherwise lapsed.

SEN. ROSENWALD: Thank you.

CHAIRWOMAN WALLNER: Any further questions for Miss Rounds and the Commissioner?

MS. REED: I'm not showing any other hands, ma'am.

CHAIRWOMAN WALLNER: Okay. Thank you, Fallon. No other -- there seems to be no other questions on this item. And thank you for -- thank you for coming up and summarizing it for us. It was a lengthy item. Do we have a motion?

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

CHAIRWOMAN WALLNER: Senator D'Allesandro moves the item.

SEN. BIRDSELL: Senator Birdsell seconds.

CHAIRWOMAN WALLNER: Senator Birdsell seconds. And I will ask the Clerk to call the roll.

REP. FORD: Thank you, Madam Chair. Representative Leishman.

REP. LEISHMAN: Yes.

REP. FORD: Representative Ford votes yes. Representative Hennessey.

REP. HENNESSEY: Yes.

REP. FORD: Representative Ober.

REP. OBER: Yes.

REP. FORD: Representative -- Senator D'Allesandro.

SEN. D'ALLESANDRO: Yes.

REP. FORD: Senator Soucy.

SEN. PRESIDENT SOUCY: Yes.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

REP. FORD: Senator Kahn.

SEN. KAHN: Yes.

REP. FORD: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. FORD: Senator Morse -- Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. FORD: And Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. FORD: The vote is ten yeses, zero no.

***** {MOTION ADOPTED}**

CHAIRWOMAN WALLNER: So ten yes and zero no and the motion passes. Thank you.

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

CHAIRWOMAN WALLNER: Let's move on now to Tab 8, and this is Item 20-078, New Hampshire Veterans' Home. Do we have questions on this item?

SEN. D'ALLESANDRO: Just a -- just a quick comment, if I might, Madam Chair?

CHAIRWOMAN WALLNER: Yes.

SEN. D'ALLESANDRO: Kudos to the Veterans' Home. Around the country we've seen the tragedies that have occurred in veterans' homes with the passing of residents due to the virus. We

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

haven't had any of that at the Veterans' Home. They've managed it extremely well during this very, very difficult period. And a tip of the hat to the work that's been done by all of the people working at the Veterans' Home, the employees, the management, doing a great job in protecting -- protecting our veterans at a most difficult period. So kudos to them. Thank you, Madam Chair.

CHAIRWOMAN WALLNER: Yes, thank you.

** SEN. BIRDSELL: Madam Chair, this is Senator -- this is Senator Birdsell. I move to approve.

CHAIRWOMAN WALLNER: Thank you. Senator Birdsell moves to approve.

REP. HENNESSEY: Second.

CHAIRWOMAN WALLNER: Do I have a second?

REP. HENNESSEY: Second Hennessey.

CHAIRWOMAN WALLNER: Who was the second? Oh, Representative Hennessey seconds. Further discussion? Seeing none, we'll ask the Clerk to call the roll.

REP. FORD: Thank you, Madam Chair. Representative Leishman.

REP. LEISHMAN: Yes.

REP. FORD: Representative Ford votes yes. Representative Hennessey.

REP. HENNESSEY: Yes.

REP. FORD: Representative Ober.

REP. OBER: Yes.

REP. FORD: Senator D'Allesandro.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

SEN. D'ALLESANDRO: Yes.

REP. FORD: Senator Soucy.

SEN. PRESIDENT SOUCY: Yes.

REP. FORD: Senator Kahn.

SEN. KAHN: Yes.

REP. FORD: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. FORD: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. FORD: Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. FORD: The vote is ten yeses, zero no.

CHAIRWOMAN WALLNER: Thank you. The motion passes 10 to zero.

***** {MOTION ADOPTED}**

MS. REED: Ma'am, if I may? I'm sorry, the Commandant has her hand raised. I'm not sure if she wishes to speak though or not.

CHAIRWOMAN WALLNER: Oh, yes, if she would like to, we would love to hear from her.

MARGARET LABRECQUE, Commandant, New Hampshire Veterans' Home: Good morning. Can you hear me?

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

CHAIRWOMAN WALLNER: Yes.

MS. LABRECQUE: Good morning. For the record, it is Peggy LaBrecque, Commandant at the Veterans' Home, and I wanted to just give you a short update and wanted to thank Senator D'Allesandro for his comments. We have been very fortunate and staff have worked very hard to keep our residents and themselves very healthy. So I'm pleased to report that, indeed, we have no COVID-19 in the home for the residents nor for the staff.

Again, we're seventh week at no visitors so we're doing lots of face times with Skype and other forms to make sure that the family isolation has been reduced. But, again, I thank you all very much for your support, and I hope that you all stay -- stay well and stay safe.

CHAIRWOMAN WALLNER: Thank you, Commandant. And we're wishing the best for the Veterans Home.

(9) Miscellaneous:

(10) Informational Materials:

CHAIRWOMAN WALLNER: Shall we move on now to informational items? There are a number of informational items on today. I will start with we do not vote on these; but I know that there are a lot of questions concerning many of them. So I will start -- let's start at the beginning of them. If you would like them to come off, if you would like to have discussions, just be sure to raise your hand so that Fallon can notify me. Okay?

The first thing on the informational items is LBAO report of additional revenues. Any discussion of that one? And then we have -- next we have a letter from Michael Kane, the Legislative Budget Assistant, relative to hiring. Any discussion of that item?

(No response.)

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

CHAIRWOMAN WALLNER: Seeing none, we'll move ahead to Department of Administrative Services. There's an item around employee health insurance. No hands raised.

(No response.)

CHAIRWOMAN WALLNER: Moving on to a Department of Justice item. Discussion of that one?

(No response.)

CHAIRWOMAN WALLNER: Seeing none, I will move on to Department of Safety item. Any discussion of that item?

(No response.)

CHAIRWOMAN WALLNER: All right then. Moving on to Item 073, New Hampshire Employment Security item. Any discussion of that item?

(No response.)

CHAIRWOMAN WALLNER: Seeing none. We'll move on. Next is the State Treasury item.

(No response.)

CHAIRWOMAN WALLNER: Seeing no discussion. Next is the Department of Education item. Any discussion of that item? Any questions about that one?

(No response.)

CHAIRWOMAN WALLNER: Seeing none, moving on to a different Department of Education item, 082. Questions of that item?

(No response.)

CHAIRWOMAN WALLNER: Seeing none, next is one from New Hampshire Lottery Commission. No questions.

(No response.)

CHAIRWOMAN WALLNER: Department of Revenue Administration, a quarterly refund report. No questions.

(No response.)

CHAIRWOMAN WALLNER: The next is the Department of Health and Human Services item. No -- no question on that one.

(No response.)

CHAIRWOMAN WALLNER: Department of -- next is Department of Health and Human Services item. Any questions on that item?

(No response.)

CHAIRWOMAN WALLNER: No questions on that item. Department of Health and Human Services Item 20-089.

SEN. ROSENWALD: Pardon me, Madam Chair. I did have my hand raised on the 88.

CHAIRWOMAN WALLNER: Oh, okay. Let's go back then to 88, and Senator Rosenwald has a question. Could someone from Health and Human Services join us on the line?

MS. ROUNDS: Yes, I am here.

SEN. ROSENWALD: Hi, Kerrin. Thank you, Madam Chair. I noticed that this is the item that reduces federal funds by \$6.3 million, and I have a couple questions. One is does that \$6.3 million include the additional 6.2% federal match or is it the amount that was originally budgeted?

MS. ROUNDS: It would have been the amount that was originally budgeted.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

SEN. ROSENWALD: So it would be an extra how much money then we're decreasing federal funds?

MS. ROUNDS: So we -- the federal funds only exist once we earn them. So these are areas that the General Fund because of the emergency were not anticipated to be spent, and so the federal funds would not have been earned.

SEN. ROSENWALD: Okay. So my question is if we hadn't made this transfer, how much additional federal funding would have come into the state?

MS. ROUNDS: None, because we wouldn't have spent the General Funds to earn the federal funds.

SEN. ROSENWALD: If I could ask a follow-up question, Madam Chair?

CHAIRWOMAN WALLNER: Yes, please.

SEN. ROSENWALD: I'm just, I guess, curious why the Department's transfer was on General Funds that were matchable. Were there no other programs that could be -- the money could be transferred out that wouldn't have left the 6.3 million federal funds on the table?

MS. ROUNDS: I don't think so. So we -- so this was an item to transfer funds for COVID response. You know, a cash flow item that as the Governor has referred to it as. And we -- we did a broad analysis of all of the funds available in the Department and these were the funds that we transferred. Again, these federal funds would not have been earned even if they -- the General Funds had stayed where they were originally budgeted because they would not have been spent.

SEN. ROSENWALD: So was the Department never going to spend these appropriations?

MS. ROUNDS: I -- I would say in our current situation because of COVID we would not be. You know, I can't say what would happen if COVID had not happened.

SEN. ROSENWALD: Could I ask one more follow-up, please?

CHAIRWOMAN WALLNER: Yes.

SEN. ROSENWALD: Thank you. Miss Rounds, you said this transfer was done for cash flow. Is the Department planning to backfill the programs that are being reduced like ServiceLink with federal stimulus funds?

MS. ROUNDS: Hum -- so if we -- if we backfilled, it wouldn't be backfilling like the areas that we transferred from. We would -- the appropriations that we've done to date for things like PPE and other types of contracts to support COVID expenditures, those are the expenditures that would be moved to federal funds. And then those accounts that we moved the General Funds to those funds would be available again to transfer back. I would say as I did with the other items that none of these transfers affected any services -- service levels that we're currently providing.

SEN. ROSENWALD: Thank you.

CHAIRWOMAN WALLNER: Any further questions?

MS. REED: I'm not showing any other hands, ma'am.

CHAIRWOMAN WALLNER: Okay. Thank you. Seeing none. Then we will move on to the next item. And I actually on the next item, I actually have a question on that one.

So I was interested in that one of the uses of this additional child care money is to provide financial support for health care workers, sanitation workers, emergency responders, and other essential workers to help these workers afford the cost of child care during the pandemic, even if these workers

would not normally qualify for support based on the program income thresholds. And I was wondering how the Department will go about letting these workers know that this is going to be -- this is a possibility and available to them?

MS. ROUNDS: So, unfortunately, Chris Santaniello was not able to join the call today. She did provide me some notes, but they were not on how or when it would be implemented. So I think I'll just need to follow-up with Chris and put the two of you in touch to answer those questions.

CHAIRWOMAN WALLNER: Great. Thank you. I would be very interested to know how soon you can get this out there to these very essential workers and people who have been doing such important work during -- during this crisis. Any other questions or issues? No other -

MS. REED: Ma'am, Senator Kahn has his hand raised.

CHAIRWOMAN WALLNER: Oh, Senator Kahn. Yes, please.

SEN. KAHN: Thank you, Madam Chair. I was wondering how the funds are intended to be distributed if that was an application of a child care provider or -- and it's just unclear?

MS. ROUNDS: So I think like I mentioned the actual implementation is the piece that I don't have as much information on. So I -- I will make sure that Chris Santaniello reaches out to both of you.

SEN. KAHN: Thank you. Madam Chair, if I could just --

CHAIRWOMAN WALLNER: Yes.

SEN. KAHN: More general observation and not a question of Miss Rounds. But there are several receipt of funds in this list of information items that will require further distribution, some of which are specific as there needs to be application in order for the funds to be distribute -- disbursed. And I hope at

some point can come back and see the disbursements of the dollars out to the intended audiences.

CHAIRWOMAN WALLNER: Thank you, Senator Kahn. I think that's an excellent -- an excellent recommendation, and we'll work with the Department to -- they have a way of reporting back to us as to how the funds are being used.

MS. ROUNDS: If I may respond, Chair?

CHAIRWOMAN WALLNER: Yes.

MS. ROUNDS: This is Kerrin Rounds. We actually have a similar request from GOFERR. I believe that they're working on some reporting across the state of COVID funding. And so I do expect that that kind of reporting will be available in the future.

CHAIRWOMAN WALLNER: Thank you for that. That's very helpful. Thank you. Any other -- any other discussion around the child or questions around the child care -- the child care item?

Seeing none, we'll move on to the next item is an Educational Stabilization Fund. Questions about that one? Seeing none.

Moving on to Energy and Transportation Infrastructure Fund. None. Okay. Federal Transit Administration. This is \$37 million to the State of New Hampshire. Any questions about that one? No. Airport Grant, no questions about that one. And I believe, is that the end of them? That is -- I think that is all of them.

Oh, there is one more Department of Health and Human Services item and that is around the housing and stabilization. Questions around that one?

MS. REED: Ma'am, Representative Leishman has his hand raised.

CHAIRWOMAN WALLNER: Yes, Representative Leishman.

(11) Late Informational Items:

REP. LEISHMAN: Madam Chair, I have a question just on the late item that was introduced that says 097.

CHAIRWOMAN WALLNER: Yes, okay.

REP. LEISHMAN: Thanks, Madam Chair. If Miss Rounds is still available, I'm just a little curious. I couldn't find anything in the request that would deal with the COVID virus. It talks about such issues as memberships and other issues but nothing dealing with the ongoing pandemic. So I was curious why that was part of the Executive Order.

MS. ROUNDS: Sure. So this item was New Hampshire Hospital, a transfer within New Hampshire Hospital. And, actually, the transfers that you see to supplies and to overtime are all related to COVID. So that's why that item was a COVID item.

REP. LEISHMAN: Okay. I just didn't see any reference there that it was so I was curious. Thanks.

MS. ROUNDS: I apologize for that. I'll make sure that if we have something like that in the future we make sure to include it.

REP. LEISHMAN: Thanks, Madam Chair.

CHAIRWOMAN WALLNER: Thank you. Yes, thank you, Representative Leishman. Any further questions on that late item? And we have one other late item and that was 20-098 and that's operating statistics from the Department of Health and Human Services. Do we have questions on that one?

MS. REED: Ma'am, Senator Rosenwald has her hand raised.

CHAIRWOMAN WALLNER: Yes, Senator Rosenwald.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

SEN. ROSENWALD: Yes, thank you. I do have a number of questions about Department's operating statistics or Dashboard. I'm curious if, Kerrin, if you can give us an update on what the Department's thinking about its lapse. How's that look?

LORI SHIBINETTE, Commissioner, Department of Health and Human Services: Hi, Senator. This is Commissioner Shibinette.

SEN. ROSENWALD: Hi, Commissioner.

MS. SHIBINETTE: Hi. So right now we're looking at really kind of our COVID response is our primary focus. And I think you're going to find that a lot of our lapse work is going to be done in the second year after we've really figured out how much money we're going to get from federal funds to backfill some of the COVID related expenses, and how much money we're actually spending on COVID. So it's hard -- it's hard to know right now when we're in the midst of the crisis.

SEN. ROSENWALD: Okay. Follow-up, Madam Chair.

CHAIRWOMAN WALLNER: Yes, great.

SEN. ROSENWALD: Thank you. So then moving on to the \$25 million back-of-the-budget cut and the additional \$25 million that the Governor spoken about earlier this spring. Is the Department planning to make any of those reductions in the current Fiscal Year or will the \$50 million be pushed to Fiscal 21?

MS. ROUNDS: I'm not sure what the other \$25 million that you're referring to is; but with regards to the back-of-the-budget cut, I think that from what I understand from the Department of Administrative Services anything that we do lapse this year could be considered for that back-of-the-budget cut. So I think the Commissioner spoke about that. That is something that we're continuing to look at, but COVID is our primary response right now.

SEN. ROSENWALD: Okay. So your lapse would get pushed into next year?

MS. ROUNDS: No. We will potentially have some money that will lapse for Fiscal Year 20, but I don't know how much it will be. That's part of it may be considered as towards the back-of-the-budget cut or all of it may be considered as towards the back-of-the-budget cut.

SEN. ROSENWALD: I see. We spoke briefly about the additional federal match of 6.2% of emergency funds. How many quarters is that for and what is the total value the Department's projecting?

MS. ROUNDS: I'm sorry, I missed the first part. How many -- what is it for?

SEN. ROSENWALD: How many quarters --

MS. ROUNDS: Oh, quarters.

SEN. ROSENWALD: -- is the enhanced federal match?

MS. ROUNDS: Sure. So as of right now we're expecting -- I'm not expecting. As of right now what we know is that it will be for two quarters. It goes back to January 1. And at this point will likely go until June 30th. We don't know if that will then continue for additional quarters. For right now what we've calculated for January to June is about \$45 million, and that's across the entire budget. So keeping in mind that that is not just -- just standard Medicaid when you think of the Medicaid Budget. That's also in Developmental Services, that's in nursing facilities, that's in DCYF. So it's truly across the DHHS' budget.

SEN. ROSENWALD: Right. So it's all Medicaid. Is there a plan for what the Department plans to -- how the Department

plans to use that money or will -- what are you thinking about presenting that for Fiscal?

MS. ROUNDS: So it really varies by area. I believe that the -- the additional Medicaid match in most areas has already been approved by the Governor I think last week. So that will be on your next Fiscal Committee agenda as an informational item. You know, for example, in the DD budget that is a continuously appropriated non-lapsing account. So those funds will be in that account. In nursing facilities there's at least one accounting class line within an accounting unit that gets paid out to nursing facilities at the end of the year. So that would get paid out to the nursing facilities at the end of the Fiscal Year. So it really varies depending on the area.

SEN. ROSENWALD: Great. And I have two more questions, if I could, Madam Chair?

CHAIRWOMAN WALLNER: Yes, please.

SEN. ROSENWALD: We saw in the news recently that one of our remaining family supervised visitation centers, I think the one in Lebanon closed, and I know that that program had been in conversation with the Department at least as far back as February. What is the impact on New Hampshire families from the closure of that program?

MS. ROUNDS: I don't think I have a response to that. We have not been contacted by any families to my knowledge who have told us that there is an impact. But it is something that was put on hold because of the COVID pandemic. As you mentioned it was something we were reviewing that was included in the budget, but it's something that we had to pause on consideration of right now.

SEN. ROSENWALD: Thank you. And my last question is at the, I think, two meetings ago when we discussed the cash flow cuts, the cash flow transfers from substance use disorder rates, the health care workers, state loan repayment program, housing and

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

homeless, I think there was low-income senior prescription drug assistance, and the foster grandparents program. The Department said they was for cash flow and they hoped to backfill these programs. Has the Department been able to backfill those programs or have plans to do so still?

MS. ROUNDS: We have not to this point. We've continued -- although we have set up accounting units for funds from GOFERR and for FEMA funds, we continue to need the cash flow because when we are making an immediate purchase we don't necessarily know which federal funds are applicable to that purchase, and we -- we are making those decisions in the moment. We need to first apply it there and then consider what federal funds are applicable and move it. So to this point we have not moved any of those funds back, and I don't have a timeline at this point.

SEN. ROSENWALD: Thank you very much. And thank you, Madam Chair.

CHAIRWOMAN WALLNER: Thank you. Further questions of Miss Rounds?

MS. REED: Senator Kahn has his hand raised.

CHAIRWOMAN WALLNER: Oh, Senator Kahn. Yes.

SEN. KAHN: Thank you, Madam Chair, and thank you, Miss Rounds, for -- or Commissioner, wherever this one goes.

Table 7 describes TANF and SNAP for a number of people being served. And, I mean, about all of these tables or many of them, I'd say, seeing the next month's statistics will be, I think, more -- it will be enlightening as to how trends have been altered as a result of the current pandemic. Specific to SNAP, the numbers continue to decline through March of '20, and I'm wanting to understand is it because of declining eligibility, declining funding available, and is it reflective

of the number of people who've applied as opposed to those that we're able to serve?

MS. ROUNDS: Mary Calise, could you hit five star and, Fallon, could you open up Mary Calise's line?

MS. REED: Yep, one moment.

MS. ROUNDS: Thank you. Senator, there is a reason that -- that SNAP cases have been declining and it has to do with eligibility for a different program. And I know Mary Calise knows the answer so I'm hoping that she is able to let you know that. And I agree. I think that April caseloads will be more telling. We're also working with Department of Employment Security to help us to try to project where some of our caseloads might go, including these types of caseloads. Was Mary able to join us?

MS. REED: I think she was on earlier. I'm not seeing her line currently. I'm not sure if she might have exit.

MS. ROUNDS: They may have had to jump off. So I will get that information for you. I know that there's an answer to that, and I just cannot remember in this exact moment what it is as to why SNAP caseloads have been declining.

SEN. KAHN: Madam Chair, may I follow-up?

CHAIRWOMAN WALLNER: Yes, please.

SEN. KAHN: If there was an increase in number of people applying and eligible, this question, follow-up, is do we have the capacity to fill that increased demand?

MS. ROUNDS: Capacity from a funding perspective?

SEN. KAHN: Yes.

MS. ROUNDS: Hum -- within the budget itself, probably not. Within those class lines that those things are paid out of, probably not. But I think we would have to look to other areas in our budget to do that.

SEN. KAHN: So I guess that is just a general concern. I certainly heard it from folks in my area that there is increased need. I assume that will be followed by applications, and I just if as you do follow-up strive to us the capacity and ability to meet that additional demand, I think that would be enlightening for us.

MS. ROUNDS: Absolutely. I think that that's something that will definitely be evolving over the next couple of months and we will be -- we will be evaluating and determining.

SEN. KAHN: Thank you.

CHAIRWOMAN WALLNER: Further questions? I see no further --

MS. ROUNDS: Sorry. I can just add Mary Calise just sent me an e-mail. So I think she heard the question but wasn't able to respond. She said that food stamps potentially will continue to decline because unemployment payments do count as income to food stamps.

SEN. KAHN: Madam Chair.

CHAIRWOMAN WALLNER: Yes, Representative -- Senator Kahn.

SEN. KAHN: Thank you. And I think we've heard from some of our constituents on specifically that issue. It is an unfortunate conflict between programs. People needing unemployment insurance and food (Inaudible) are being in conflict between the two programs relative to eligibility. That, too, is something for further follow-up. Maybe not so much for our Committee, but certainly as constituents' voices or voices for our constituents, I think we need to be attentive to that issue.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

MS. ROUNDS: And I -- sorry. She sent me just a couple more e-mails if it would be helpful to share. That the unemployment is not being counted for calculating TANF cash assistance. So that I think is -- is helpful. And to your point, Senator -- Representative Leishman. And also the reason that food stamps have been declining is because of the increased TANF grant. So more people are qualifying for that and not for food stamps.

SEN. KAHN: Thank you.

Audits:

CHAIRWOMAN WALLNER: Thank you. Further questions for Miss Rounds? Seeing none. Thank you, Miss Rounds. And, Commissioner, we appreciate you being available to us today. And we'll move on now to the audit. And we actually have three audits. And I think what I will do is have a motion to accept. We'll go through the audits and have a motion to accept and place them on file but today we will not have presentations. We'll come back when we have more time and we can just -- I'm thinking that maybe we'll just have a day, a Fiscal meeting when we do just audits as our -- as we start seeing more audits available to us. So I'm going to ask the Clerk, I hope, do you have the motion there, Representative Ford?

REP. FORD: Hum -- the actual motion? No.

CHAIRWOMAN WALLNER: Could I ask the LBA if they have the motion for the acceptance and placing on file of the -- for the audits?

MR. KANE: Sure, Representative. I don't know if you can hear me.

CHAIRWOMAN WALLNER: I can hear you.

MR. KANE: So the motion would be to accept the audits, place them on file, and release to the public in the usual manner.

CHAIRWOMAN WALLNER: Thank you, Mr. Kane. I appreciate that. So the motion is to accept the audits, to place them on file, and to release them to the public in the regular -- regular way that we do them. Do we have the motion? And could I have someone take the roll, please?

** SEN. D'ALLESANDRO: I move the motion.

CHAIRWOMAN WALLNER: Okay. Thank you, Senator D'Allesandro.

SEN. BIRDSELL: This is Senator Birdsell. I'll second.

CHAIRWOMAN WALLNER: Senator Birdsell, thank you for seconding it. I'm going to ask the Clerk now to call the roll. And this will be on all three -- all three --

REP. FORD: All three audits?

CHAIRWOMAN WALLNER: All three. Yeah, there's two audits and a management letter. On all of them. Good.

REP. FORD: Representative Leishman.

REP. LEISHMAN: Yes.

REP. FORD: Representative Ford votes yes. Representative Hennessey.

REP. HENNESSEY: Yes.

REP. FORD: Representative Ober.

REP. OBER: Yes.

REP. FORD: Senator D'Allesandro.

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

SEN. D'ALLESANDRO: Yes.

REP. FORD: Senator Soucy.

SEN. PRESIDENT SOUCY: Yes.

REP. FORD: Senator Kahn.

SEN. KAHN: Yes.

REP. FORD: Senator Rosenwald.

SEN. ROSENWALD: Yes.

REP. FORD: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. FORD: And Representative Wallner.

CHAIRWOMAN WALLNER: Yes.

REP. FORD: The vote is ten yeses, zero no.

***** {MOTION ADOPTED}**

CHAIRWOMAN WALLNER: The vote is ten to zero, and we will place the audits on file. We'll accept them and place them on file. And at a later date we'll have a day when we can have presentations of all of our audits. Some of these audits were very long. And we don't -- unless you printed them all out, you don't have paper copies of all of them, and I think people like to have paper copies to take a look at these audits.

(12) Date of Next Meeting and Adjournment

CHAIRWOMAN WALLNER: So now we move on to our last item which is the date of next meeting. And I had a request from a

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020

couple people asking that we have a special meeting to talk about all the COVID-19 expenditures and revenue that we're receiving here in the state. So I asked Mr. Kane if he can work with the GOFERR office and present to us, and we've set aside Friday, May 29, at 10:00 a.m. to have a Special Fiscal Committee meeting. And Mr. Kane will make a presentation to us around all of the funding that has come into the state and the expenditures, and we'll also ask some of the departments to come and talk about how those funds -- how those funds are being used and some of the things that came up today around the process of getting those funds out to our citizens in our state.

So I hope that that meets with everyone's approval that we will have this additional meeting on May 29th at 10:00 a.m., and then we will have our regular Fiscal Committee Meeting on June 12th, which is a Friday. That will be our regular meeting. So we have two meetings -- two meetings planned. One for May 29th which will just deal with the revenues that are coming in around COVID-19, and then we will have also our Fiscal Committee meeting on June 19th -- on June 12th, I'm sorry, June 12th at 10 o'clock. It's a Friday. Thank you.

REP. OBER: Madam Chairman.

CHAIRWOMAN WALLNER: Yes, Representative Ober I think that is.

REP. OBER: Yes, it is. I did raise my hand. But would it be possible to move the May 29th meeting to May 28th? As you know, the Executive Committee for the County of Hillsborough meets every fourth Friday or fifth Friday. And we are doing our budgets and right now we are kind of holding the 29th and the 22nd. And, I'm sorry, but it is not under my control to set that schedule. So I am interested in that topic. I just wonder if we could move that to May 28th, which is one day earlier?

CHAIRWOMAN WALLNER: Is there any objection to that May 28th date?

SEN. PRESIDENT SOUCY: No objection.
Reasonable request.

SEN. ROSENWALD: I'm fine with it.

CHAIRWOMAN WALLNER: Okay. And Mr. Kane says he's fine with it, because he has to do the preparation. That would be fine. Thank you, Representative Ober, for reminding me. I'd forgotten about that, the meeting on the 29th.

REP. OBER: Thank you very much.

CHAIRWOMAN WALLNER: Thank you. Is there any other -- any other items to come before the Fiscal Committee today? Seeing none, I will adjourn the Fiscal Committee meeting. Thank you. And I hope you all get outside today. It's a beautiful day. Thank you.

(The meeting adjourned at 11:27 a.m.)

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

I, Cecelia A. Trask, a Licensed-Shorthand Court Reporter, do hereby certify that the foregoing transcript was transcribed from an audio recording of this meeting on Friday, May 8, 2020, and it is a true and accurate transcription of that recording to the best of my ability, skill, knowledge, and judgment.

Cecelia A. Trask
Licensed Shorthand
Court Reporter-LSR #47

JOINT LEGISLATIVE FISCAL COMMITTEE

May 8, 2020