

JOINT LEGISLATIVE FISCAL COMMITTEE

Legislative Office Building, Rooms 210-211

Concord, NH

Friday, August 11, 2023

MEMBERS PRESENT:

Rep. Kenneth Weyler, Chair

Rep. Jess Edwards

Rep. Mary Heath

Rep. Dave Huot (Alt.)

Rep. Gerald Griffin (Alt.)

Sen. James Gray

Sen. Jeb Bradley

Sen. Regina Birdsell

Sen. Lou D'Allesandro

Sen. Cindy Rosenwald

(1) Acceptance of Minutes of the June 23, 2023 meeting

KENNETH WEYLER, State Representative, Rockingham County, District #14: Fiscal Committee of the General Court for August 11th is called to order. First item on the agenda is acceptance of the minutes of June 24th, 2023.

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

CHAIRMAN WEYLER: Senator Gray moves. Senator -- which one?

SEN. GRAY: Birdsell.

CHAIRMAN WEYLER: Seconds. Further discussion? Seeing none. All in favor say aye? Any opposed say no? The motion is adopted.

DAVE HUOT, State Representative, Belknap County, District #5: I abstain. I wasn't here.

CHAIRMAN WEYLER: What's that?

REP. HUOT: I abstain. I was not here at that meeting.

MARY HEATH, State Representative, Hillsborough County, District #41: {Inaudible}.

CHAIRMAN WEYLER: Very good. Two abstentions. It passes.

*** {MOTION ADOPTED}

(2) Old Business:

CHAIRMAN WEYLER: Okay. Is there any Old Business? I don't believe so.

CONSENT CALENDAR

- (3) RSA 9:16-c, I, Transfer of Federal Grant Funds:
- (4) RSA 14:30-a, VI Fiscal Committee Approval Required For Acceptance and Expenditure of Funds Over \$100,000 From any Non-State Source:
- (5) RSA 14:30-a, VI Fiscal Committee Approval Required For Acceptance and Expenditure of Funds Over \$100,000 From Any Non-State Source, and RSA 124:15, Positions Authorized:
- (6) RSA 124:15, Positions Authorized:

AMERICAN RESCUE PLAN 2021

CONSENT CALENDAR

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

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CHAIRMAN WEYLER: We'll go to Tab 3. And, by the way, the Consent Calendar covers Tab 3, 4, 5, and 6, and 7. And I don't believe we had any request to remove anything from Consent from the House meeting. Anything from the Senate meeting? Nothing to be removed.

****** JESS EDWARDS, State Representative, Rockingham County, District #31: I move consent.

SEN. GRAY: Second.

CHAIRMAN WEYLER: All right. Move to pass the Consent Calendar and there's a second. Further discussion? Seeing none. All in favor say aye? Opposed no? The Consent Calendar is adopted.

******* **{MOTION ADOPTED}**

REGULAR CALENDAR

(8) RSA 7:12 Assistants:

CHAIRMAN WEYLER: So we'll move on to the Regular Calendar under Tab 8. Thank you for coming.

All right. First item on Tab 8 is Department of Justice, 23-205, the litigation expenses. And we have John Broderick here as the Administrator who could answer any questions.

MICHAEL KANE, Legislative Budget Assistant, Office of Legislative Budget Assistant: Mr. Chair, if I could? Attorney -- Attorney General Formella is here --

CHAIRMAN WEYLER: Very good.

MR. KANE: -- for 23-205. And then Justice Broderick is here for the next item.

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CHAIRMAN WEYLER: All right. Very good. General Formella, we're anxious to see the progress.

JOHN FORMELLA, Attorney General, New Hampshire Department of Justice: Good afternoon, Mr. Chair, Members of the Committee. John Formella, Attorney General. I'm joined up here by Kathy Carr, our Director of Administration. And the first item that is -- is ours is the litigation fund request which I could give a quick overview of. I'm also happy to answer questions regarding the submission from the Administrator on the YDC Claims Fund, but he is here as well. So I certainly would not want to -- want to preempt him. But to the extent you have questions for me on that topic, I'm absolutely happy to answer them.

On the litigation fund request, the letter summarizes it, but this -- this is the request that we come to Fiscal for every year for our litigation fund. Our litigation fund supplements the Department's -- the resources the Department has for defending the State in civil claims, prosecuting criminal cases, consumer protection cases, environmental protection cases and really everything we do.

This request, this year's for about \$6.9 million. It is a high request in the context of the whole history of litigation fund. It is less than we requested last year. I think last year we requested about \$7.8 million, if I have that right. It was around that. So we do have -- we do have a decrease.

As I note in the -- in the item, the Department continues to deal with the particularly high load of complex civil litigation and that really comes primarily from the -- from the YDC litigation. You'll note in the letter we're requesting \$2.9 million to assist with that. There's a couple of components when it comes to that. One is defending against the now. I think it's over 1,000

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claims against the State that are in litigation. It's one case because they're all consolidated, but it's really a thousand different cases. So there's that component of it.

There's also assisting the Department of Health and Human Services with responding to the Criminal Justice Bureau in the criminal investigation. So that is also a function of the Civil Bureau. So those two components combined necessitate, at least by my estimate here at the beginning of the Fiscal Year about \$2.9 million this coming Fiscal Year. And a lot of that is review of documents and responding to discovery requests, responding to subpoenas.

One thing we do very well in this state is retain documents for a long time. And so when you end up with something like this where you are investigating a series of events that played out over decades, that involves reviewing a lot of documents, and that is a large part of the cost here.

So -- um -- there's also the criminal investigation for YDC. You'll see that request is for about \$1.1 million. That is less than last year. We have been able to continue to dedicate internal resources and move these cases along to a point where we do estimate spending less this coming Fiscal Year, but we estimate about \$1.1 million there as compared to about \$2.2 million last Fiscal Year.

And then for the -- the remaining large items are the two cases that I note in here for the Department of Health and Human Services. One case deals with the -- with the challenge to how the Department is administering its Choices for Independence Program, and another case is -- are claims based on how -- how we -- um -- we serve disabled youth in foster care. Those two cases together we estimate a need of about \$1.5 million. And there's a couple reasons for the major needs there.

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One, those are -- those are major Federal Court cases. They're class actions. They involve a lot of documents, a lot of document review. They also involved some specialized areas of law, which the good thing is the Department is -- is I think we are strengthening our expertise in that area because of these cases; but they are new types of litigation that the Department is dealing with that we really have not dealt with before. So we're also using some outside counsel support for those cases.

The remaining request is just for the -- the wide variety of other cases the Department deals with. That involves a larger number of cases for much smaller amounts across the Criminal Justice Bureau, across the Environmental Protection Bureau, across the Consumer Protection and Antitrust Bureau. All of that adds up to about the \$6.9 million. So that's an overview and I'm happy to take any questions regarding this request.

CHAIRMAN WEYLER: Questions for the Attorney General. Senator Gray.

** SEN. GRAY: I move to approve.

REGINA BIRDSELL, State Senator, Senate District #19: Second.

CHAIRMAN WEYLER: Senator Birdsell seconds. Further discussion? Senator Rosenwald.

CINDY ROSENWALD, State Senator, Senate District #13: Thank you. I did have a couple of questions, if I could. So the \$2.9 million that you're incurring for the YDC assault cases is in a different Fiscal item. I think you're reporting costs of \$340,000 charged against the fund. Um -- I'm not sure how you decide what goes to the fund and what goes to the General Funds but -- so we're -- we're talking about \$3.2 million of cost relative to about

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\$4.9 million of settlements from the fund. Is that a particularly high proportion of cost relative to settlement?

ATTORNEY FORMELLA: Thank you for the question, Senator, because I think it provides a good opportunity for me to clarify a couple things.

With YDC we have -- we have one -- one part of the office, the Civil Litigation Bureau is handling the litigation, so the cases in Court. We've split off the AG designee under the settlement fund. And so, as you know, the funds we're requesting today are for expenses related to the litigation. The funds you're noting of about \$300,000 under the settlement fund, those are expenses incurred by us utilizing outside counsel for some assistance with reviewing and analyzing claims that are -- that are submitted to the claims fund and those expenses are billed to the fund.

With regard to your question about whether the -- the cost of, say, \$2.9 million plus \$350,000 equaling \$3.2 million in expenses compared to roughly \$4.9 million in settlement, I -- I would just note that I think by the time we get to the end of the Fiscal Year, I don't think that that will be an unusually high number, because while -- while we are at around \$4.9 million and settle cases right now, the process is really, I think, just starting to get going. It's taken us a couple quarters, I think, to really get up and running.

I don't want to speak for the Administrator and -- but they've had to get their infrastructure up and running. We have close to 100 claims submitted now. I expect by the end of this Fiscal Year we are going to have far more than \$4.9 million worth of settlements. And our \$2.9 million request is for this Fiscal Year, so through next June.

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So I expect by the time we get to next June that that's going to be a much more reasonable proportion, because the \$2.9 million I'm requesting today we haven't incurred that to date. That's just what we expect to incur by the end of the Fiscal Year.

Through today I would say we've incurred maybe a couple hundred thousand dollars in expenses for YDC so far this Fiscal Year. I just expect by the time we get to the end we'll be at 2.9 million and does that answer your question? I apologize if it doesn't.

CHAIRMAN WEYLER: Follow-up question.

SEN. ROSENWALD: Thank you. In the *Amanda D., et al vs. Hassan*, are there -- is there ongoing monitoring of this? I mean, wasn't that a five-year settlement that should have been in our rearview mirror by now? When are we going to get out of that?

ATTORNEY FORMELLA: So we certainly were when we entered into that settlement agreement hoping that all of our obligations would be completed within five years. We continue to work towards complying with all of the conditions in that settlement agreement. We engage a lot with the plaintiffs in that case. Frankly, we just -- we still have work to do. We're close, but we continue to have work to do. And so until we have finally achieved what we set out to under that settlement agreement, there will continue to be monitoring, there will continue to be expenses associated with the Community Mental Health Agreement.

COVID has had something to do with that. So we were already, I think, going to go somewhat beyond five years. COVID has continued to impact that. But to answer your question, yes, the original intent was to have wrapped that up after five years. We just aren't there as a state.

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I think we continue to make progress and, hopefully, we will wrap that up in the coming years; but we have not yet. But we continue to work on it. We continue to engage with -- with plaintiffs. And I don't want to speak for the plaintiffs in that case and plaintiffs' counsel, because they're not here today; but I think I'm safe in saying everybody would agree that we have good dialogue, and we're all continuing to work together to get to where we need to be in that case.

CHAIRMAN WEYLER: Senator D'Allesandro and then Representative Edwards.

LOU D'ALLESANDRO, State Senator, Senate District #20: Thank you. Thank you, Mr. Chairman. Thank you, Attorney General. Attorney General, could you tell me in reading a report that I got from the LBA, I found a little difficult to figure out; but how many cases has -- has -- have you settled? I mean, the Department of Justice versus how many cases has the Administrator settled? And what's the -- what's the dollar amount that's been pushed out the door as we speak in terms of settled claims?

ATTORNEY FORMELLA: So we have settled, I believe, nine cases total. Because we had one in the first quarter. We had eight in the second. We've had the first proceeding in front of the Administrator, so I expect we'll get a decision from the Administrator at that point.

The way it's set up is that if we can reach a settlement with the claimant without needing to go the Administrator, then -- then we settle the case. If we don't reach an agreement, claims will go for an administrative proceeding. I don't know exactly how many proceedings have been scheduled now, but there's a number of proceedings that have been scheduled. So we've settled nine. I don't believe -- we have not had any resolutions decided by the Administrator, but I expect we'll start to see those in quarter three. And I think the settlement amount total is

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about 4.8, \$4.9 million. Of that, I think 2.9 has gone out -- 2.9 million has actually gone out the door; but the remaining amount is just still being processed.

SEN. D'ALLESANDRO: Further question.

CHAIRMAN WEYLER: Follow-up.

SEN. D'ALLESANDRO: Thank you. And what has it cost us in order to do this? I mean, I noticed that the 350,000 was -- was a cost that you have -- you'll have determined comes out of the fund, and the Administrator has costs that come out of the fund.

ATTORNEY FORMELLA: So that is outlined in the Administrator's report. We have had about -- we expect -- we've incurred about 350,000. And, again, I don't want to speak for the Administrator, but let me see if I can find it quickly. The Administrator's cost --

CHAIRMAN WEYLER: {Inaudible}.

SEN. D'ALLESANDRO: Okay.

ATTORNEY FORMELLA: The Administrator's cost to date, several hundred thousand, I think, would be -- I think I'm accurate if I say that. It's several hundred thousand. So out of, you know, \$4.9 million in settlements we have -- I mean, it's less than a million dollars in expenses. It's well under a million dollars. And I expect that that gap will continue to grow as -- because we've had some start-up costs to get the fund going.

SEN. D'ALLESANDRO: Further -- further question, Mr. Chairman?

CHAIRMAN WEYLER: Follow-up.

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SEN. D'ALLESANDRO: So in terms of time constraints, you know, the -- the time is passing rather quickly. And the time left is really quite de minimis when you think of it; right? We have about a year left to settle all of these cases?

ATTORNEY FORMELLA: There's -- there's a year -- a year and a half closer to. The deadline is December 31st, 2024. But, yeah, we're certainly cognizant of that. The time is precious. And, like I said, I think it's taken some time for us to get it up and running. We've had good conversations with the Administrator. We continue to refine things. They'll have some things to present to you today. Close to 100 claims have been submitted, and I think that as we get further into the two-year period we can -- I think we're probably a little too early to know whether we're behind schedule or ahead of schedule.

SEN. D'ALLESANDRO: And one last question.

CHAIRMAN WEYLER: Follow-up.

SEN. D'ALLESANDRO: And -- and how many -- how many of these cases are choosing the other methodology, court, at this point in time?

ATTORNEY FORMELLA: So right now we have over, and this requires a little parsing, there is a -- there's a -- they're all consolidated. There's over a thousand cases. Over a thousand cases have been filed in the consolidated litigation. Now some of those cases are not cases that we would think of as YDC cases because Judge Schulman decided to include cases that don't involve claims or events that happened in YDC but involved claims for individuals who are -- um -- alleging abuse while they were in foster care in some other placement. But right now in that consolidated litigation, there's over a thousand cases. Probably at least a couple hundred, if not more of those, are not what I would call YDC cases.

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So to answer your question, right now we have about a hundred claims submitted in the claim fund. There are, you know, probably seven -- seven hundred or so - that's just a very rough estimate - that are in court. There's some overlap between those, because you can file -- you can bring a lawsuit and then stay it while you try the claims fund. But I think to answer your question, we have about a hundred claims in the claims fund. There are about 700, 700 to 800 YDC cases in court. Of course, our hope is that we -- we continue to have the court number go down and the claims number -- fund number go up.

SEN. D'ALLESANDRO: Sure.

ATTORNEY FORMELLA: I think we'll -- it still remains to be seen the progress we can make with that, but we -- I would say I'm optimistic at this point, but we have work to do, that's for sure.

SEN. D'ALLESANDRO: Thank you. Thank you. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Representative Edwards for a question.

REP. EDWARDS: Thank you, Mr. Chair. Good seeing you, Mr. Attorney General.

ATTORNEY FORMELLA: Same here.

REP. EDWARDS: I -- I -- the way this law got put together the AG's Office did great work in drafting something that was brought to the Legislature. The Legislature then in a Committee process worked with you to improve upon it and tweak it or at least we thought we were improving upon it. So -- so now that we've -- we've tried this new law that was unique in the nation, are -- are there things that you're seeing that might cause us to want

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to go back and tweak the litigation because we've learned something, we're smarter than what we were?

Now, I don't think we want to change the rules of the game now that it's gotten started and it would take something fairly powerful; but are you -- are you -- are you seeing the law as being pretty stable, pretty good, or did -- did we miss something we need to come back and try to fix?

ATTORNEY FORMELLA: I appreciate the question, Representative, and I know the -- the Administrator will have thoughts on this, too. I think -- I think it's been pretty good. We did have a couple of changes that the Administrator suggested in the last session that we thought were good ones, and that the Legislature made regarding changing some terminology and -- um -- and moving the waiver to the end of the process. I think that we're likely to identify additional tweaks that might be good ideas.

As we sit here today, I think it's working pretty well. The Administrator has a couple of suggestions in his letter that we'll talk -- we expect to talk more about with -- with him. Not the changes that are actually before you today, but he has a couple of additional observations that we expect we'll talk with the Administrator and his team about. And, you know, we probably, as we go now into quarter three and quarter four, I wouldn't be surprised if we identify additional changes that might be a good idea, say going into the 2024 session. But I -- but, overall, I would answer your question to say I think it's working pretty well. But I think now that we have a hundred claims in over the next few months we're going to get better -- a better set of data to evaluate, you know, what -- what additional changes might -- might be a good idea.

REP. EDWARDS: Thank you. And thank you, Mr. Chair.

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CHAIRMAN WEYLER: I read in the Administrator's report that the proposal so far could represent \$82 million. And I'm concerned with months to go and more and more people coming in -- um -- about whether we exceed that hundred million.

Now, you have the options, I guess, some of this money is -- if there's a payout it might go over ten years, right? So we don't spend all this money upfront in the first biennium.

ATTORNEY FORMELLA: That's a potential option, but that comes down to an election by the claimant. So it's difficult to predict what portion of that might get paid out over time or what portion might be paid out in a lump sum.

CHAIRMAN WEYLER: I thought it was traditional that you just don't pay it all out at once.

ATTORNEY FORMELLA: No, it's an option. And I remember we had this discussion during the legislative process. We ultimately decided, at least for now, you know, in this -- this iteration of the process to have it be the option of the claimant. We've only had -- again, we've only had nine settlements and so we don't -- I don't think we have enough of a data set right now to predict what percentage will get paid out over time.

But to your point, Mr. Chairman, about the 82 million total request, that's what's requested. I can tell you so far our experience has been is that we're often settling or paying out amounts that are below the initial request. And so, again, I think we'll have better data in a few months to tell you, you know, what we're on track for. But the total amount requested is not -- not necessarily a good barometer of the total amount that will be paid out on those claims.

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CHAIRMAN WEYLER: Because of the nature of the crimes, it's likely to be no witnesses, nothing written down, didn't tell people, kept it secret, private, whatever. So are we using lie detector on any of these people that, you know, comes in? Otherwise it's nothing supported but your word? So has that become a routine to use a lie detector? Otherwise, we have -- we don't have corroboration.

ATTORNEY FORMELLA: We certainly -- we wouldn't use a polygraph or any type of lie detector test. We really try to treat each claim and each individual as -- as a -- as its own claim, its own set of facts, its own set of circumstances. Some claimants in working with their attorneys will -- will submit a -- a investigator report because they will have voluntarily sat down with an investigator, and they'll tell us about that investigator so we can assess their reputation. Some claimants may take a different approach.

Ultimately, if -- if we can't reach a resolution it will go to a proceeding in front of the Administrator, and the Administrator and his team and, again, I don't want to speak to them, but they put a lot of thought and work into how they're going to handle the administrative -- the -- any administrative proceeding. But we wouldn't use a polygraph or a lie detector test. But I think we are all putting a lot of thought into for any individual claim, you know, how do we -- how do we assess it? And it's difficult to paint, you know, to really use any broad brush with which to paint these claims.

Because I -- you know, I can't get into any specific claim, of course, but I can tell you based on what I've seen there, you know, there are different circumstances and different facts that go with each of these claims and each of these individuals. These claims span decades. There's going to be differences in what records are available, and differences in what corroboration there might be as far as

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who we could -- who we could even hope to talk to given that these events happened -- happened decades ago.

So that's -- I think the best I can tell you is we have put a lot of thought, and I know the Administrator and his team have put a lot of thought into the need to balance the need to assess these claims objectively while respecting the individual victims that bring forward these claims. And that really requires a determination on a case by case basis as to what type of verification methods we're going to undertake.

CHAIRMAN WEYLER: Do we even have the capability, given a date, to find out if that person was, in fact, incarcerated in one of those institutions and if an employee is named to find out if that employee was employed in that institution? Do we have that record that we can at least verify those things?

ATTORNEY FORMELLA: Yes. We generally do have records to verify that -- that a claimant would have been a resident at YDC at the time. And that if a perpetrator is named, they would have been employed at the time. It's important to remember that sometimes if someone was 13 -- 12, 13 years old and they were a victim and it's decades ago, they may not remember a name. They may be able to describe the person. They may not have memory of a name.

CHAIRMAN WEYLER: Thank you. Any further questions? Senator D'Allesandro.

SEN. D'ALLESANDRO: Thank you, Mr. Chairman. General, there was one claim that was settled for the maximum, 1.5 million. My question is there seems to be a difference of opinion between those representing the claimant. Is that -- is that still in litigation or what's the story? Or has -- A, has the claim been paid to the individual? That's the first question. And, secondly, the -- the two parties that are involved, the original group of lawyers

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that represented him versus the settlement, what's the story? How -- how is that -- how's that handled?

ATTORNEY FORMELLA: So I believe that claim has been paid. As you note, there is a dispute between -- between attorneys involved --

SEN. D'ALLESANDRO: Right.

ATTORNEY FORMELLA: -- over -- over entitlement to fees.

SEN. D'ALLESANDRO: Yes.

ATTORNEY FORMELLA: That -- that is -- that is litigation that's going to play out between --

SEN. D'ALLESANDRO: The parties.

ATTORNEY FORMELLA: -- the parties, the attorneys in the case. I believe there's a court -- I believe they have a court date scheduled for later in August. They have a hearing; but that's really not something we will involve ourselves in.

SEN. D'ALLESANDRO: Good. Fine. That's -- that's really what I wanted to know. We would have no involvement at this point in time. The claim has been settled. Everything else is the responsibility of the parties involved.

ATTORNEY FORMELLA: Correct.

SEN. D'ALLESANDRO: Okay. Thank you. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Anything further for the Attorney General? We'll ask Administrator Broderick to add any cogent information and some of you may have questions for him. Thank you.

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ATTORNEY FORMELLA: Thank you.

MR. KANE: Mr. Chairman, if I could. There's a pending motion to adopt the litigation portion, Senator Gray and Senator Birdsell. That's 23-205.

CHAIRMAN WEYLER: Yeah, I understand that.

MR. KANE: Okay.

CHAIRMAN WEYLER: Just I guess the -- the piece that the Administrator would comment is over and above that, so.

All right. We do have a motion and a second. Any further discussion on that specific motion to give them the litigation expenses requested? Seeing none. All in favor say aye? Opposed no? That motion is adopted.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Administrator, if you would like to make any further comments on these litigation expenses. We will come later to an item that you have, that we may have further discussion on.

JOHN BRODERICK, Administrator, Office for Administration of YDC Settlement Fund: Mr. Chairman, and Members of the Committee, would it be appropriate for me to take five minutes and give you an overview of where I see things?

CHAIRMAN WEYLER: Yes, it would.

MR. BRODERICK: First of all, I want to say at the outset that the Attorney General and the Attorney General's Office has been collaborative and cooperative. I'm an independent operation as the statute defines, and I am independent; but I'm not in the wilderness by myself.

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My assessment of where we are now is this Legislature, in my view, did exactly the right thing when you established this fund. I've been doing this work now for eight months, and over that time I've had a chance to read a number of files that have come into our office and are transported to the Attorney General's Office. Those files are confidential.

The impact those files make on you is significant. I think it's important people understand that. Most of the people coming into the system are over 50 years of age. What happened to them happened 30 plus years ago, sometimes longer. They were kids, and their memories are not photographic, nor should they expect it to be.

The Attorney General's Office has been handling these claims and until my office, thanks to an Amendment here, allowed the Administrator to hold a hearing without requiring people to waive their rights against the State. Once that happened, we started to see more requests for de novo review; not that the Attorney General's de novo review is incorrect. I'm not saying that. But they want to give it one more bite at the apple with my office. And so we are at the front of that right now. And so I appreciate the fact the Legislature made that change.

But let me give you some global issues that I think all of us need to focus on. Doesn't mean we need to change, but I think we need to acknowledge it. Under the statute my office is not allowed to accept any claims from any person after December 31, 2024. The window closes. We can process claims that have been submitted before then, but we can't take new claims.

The first trial, to my knowledge, that's scheduled in the Superior Court by a YDC claimant will be April of 2024. I don't know how the Court system's going to deal with that. I read recently the Court's thinking maybe they can

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bundle these cases ten at a time. Um -- I'm not casting a judgment on that. I think that will be difficult.

In any event, by the end of December of next year the 800 or a thousand cases the Attorney General mentioned to you will not have been resolved in the Superior Court, unless those folks file those cases also in our Administrator process. Once the end of December next year comes, they'll have only one option, which is to go to Court.

The purpose, I think, of what the Legislature did, and I commend it, is to see whether or not a confidential process, not a jury trial, I'm familiar with those, a confidential process that's trauma-informed and victim-centered would attract people to come in. I think it's attracting people to come, maybe not at the pace we all hope, but I do think the pace will increase. Will it increase by the end of next year to encompass almost all of those thousand cases? I think the jury's still out on that.

And so I think it's important that we look at what's happening, we determine if we're okay with that or whether any changes need to be made to hasten the migration of cases from the Superior Court docket to this process.

That is a policy question, way above my pay grade; but it is a policy question that's appropriate for this Committee and what might be done to change the rate at which cases are migrating. And right now most of the cases we're receiving, by the way, are not in the Superior Court. They're coming in from other sources. Most of them have lawyers, not all of them.

But there is a reluctance, I think, to come into the system at the level that all of us think maybe would be appropriate. And so we are designing, so you understand, we're designing our operation to accommodate all of those cases. I can't prepare for the flood after the water's

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rising. So we are preparing for success. Whether or not we're overpreparing remains to be seen; but I can't do it at the last minute.

Um -- we had our first hearing, as an Administrator, a de novo hearing with a claimant within the last ten days. I had two meetings today with claimants and their counsel and the Attorney General's Office. So it's good to see that's happening. But if it continues at that pace, in a year and a half I'll be saying, well, we tried, but we didn't get there. Uh -- and, again, that's not my call. But I -- I will say this to you, in the cases that I've read, and I've read a number of them who've come to us, it's pretty disturbing from what I'm reading. And I remind myself all the time these are children. These are children who had nothing to do with the physical or sexual abuse I'm reading about.

I also know and believe that it's probably not in their interest, these kids, now full adults, to wait three or four years longer to walk into a Superior Courthouse and take an oath and testify in front of jurors. We have designed this process, as I think you intended. It doesn't look like a Superior Court case. It doesn't feel like a Superior Court case, and I am not acting like a judge. I'm the Administrator. I have only the authority you give me. But one thing we did do, we went out and retained on a consulting basis some trauma-informed folks. One individual worked for years with the police department investigating sexual and physical abuse claims. She's extraordinary. And we have another person who all of you would know who's also on that same page. And when we had the first hearing a couple weeks ago now, the questioning was done through that person of the claimant, not by me. When she finished I had a few questions. I asked them.

The Attorney General's Office to their credit and the claimant's counsel to their credit said we don't need to be in the room. We'll be in another room, and you'll show it

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to us on video; but we are not going to be in the room. And they've been very willing to let me or my expert, trauma-formed expert ask the questions. It becomes like a conversation. It's not a deposition.

So the system that you've designed, I think, you designed it beautifully. I commend you for it. I mean that. Whether it's current configuration and resources are adequate for what you hope to accomplish, I have some thoughts on that. But, again, it's not my call. But to the extent that the system is up and running, the Attorney General's Office is trying their level best, I believe they are. I believe my office is doing their level best.

Sitting to my right is Jenn Foley who had the misfortune apparently of clerking for me for a decade when I was on the Supreme Court. So she's the bright one. But, anyway, I was able to get her out of a very secure job, just no small task, to come and serve as General Counsel.

We have two paralegals in our office to help us process. We need to have technology to do the job well. We now have about a 125 filings as opposed to 92. And maybe by the end of this quarter we'll have a 150.

The last thing I want to mention, and I don't know whether it will happen or not, but I practiced law for a lot of years, so I know what I would have done. All these cases that are in the Superior Court if -- if counsel for those claimants decides December 31st next year not to file anything with us, the only route those claimants will have is a jury trial; maybe two years hence, maybe three years hence.

A jury trial, having tried many of them myself, is a very different experience. You're not going to have a trauma-informed expert asking you the questions. My hope is, I don't want to say expectation, but my hope is that before December 31, 2024, a lot of those cases currently on

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the docket in the Superior Court, while they'll still remain there, they will also file a claim with us. Because there's no downside to filing a claim with us, there's no prejudice thanks to your Amendment. I can get involved, and get my uniform dirty. If they don't like what I say, they can stay in Court.

If that happens, if that happens, we're going to have to process those claims because of the people filing them with us will be a year or two or longer away from a jury trial. And we don't take a year or two to get the claim to the point where we're ready to resolve it.

That would be an enormous undertaking. We're preparing for that. I'm not complaining. We're preparing for it, because I think it's wise to assume that.

If this Legislature wanted to ensure that more claims would file more quickly and be happy to be in our system, I think there are some changes that could be made. Again, not my call.

So we are doing our level best, I can assure you, with our staffing, with our trauma-informed experts. The Attorney General's Office has been very competent and very cooperative. And so I'm optimistic about where we are, but I'm not overly optimistic about whether people are going to come see us because the window's closing or whether they're going to come see us because they think they should. And that's the -- that's the issue.

CHAIRMAN WEYLER: Thank you, Administrator. Questions from the Committee. Representative Edwards.

REP. EDWARDS: Uh -- thank you for stepping forward into this critical role. Thank you very much. I've -- you've left me wanting to know the rest of the story. You're saying you have things that you think we ought to be doing to modify the existing law to help us

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move these cases to you; but you're not enumerating them with us today. So that's fine. I'm just -- I just would like to know what process you or the Attorney General are using to work with a member of the Legislature to begin consideration of these changes? I'm a process guy. I want to make sure you got a process.

MR. BRODERICK: The process as designed is fine. Uh -- it's not going to be the process that dissuades people from coming. Again, I've been at this for six months. My sense is this.

A lot of the claims that are out there would be very appropriately handled in the process you've designed with the capture put in place. I think that's true. But it's not going to apply to every case that's out there. And the question I would have, were I a policy maker, is what is the overall goal here. Is the goal to have some of these cases migrate to this process and then close the window and try all the rest? Or is the goal to get as many of those cases possible to migrate to this process so that what's left is not going to be great?

I was a trial lawyer for 22 years, so I know what trying cases feels like. I know how expensive it is. And the Attorney General's Office of this State is highly competent, so I know that, too; but it's going to be expensive. It's going to be expensive. Think about trying 800 or a thousand cases to a jury. I'm not the Chief Justice, but I would lie awake nights wondering how it's going to accommodate that onslaught.

If I were the Attorney General, I'd say how can we try 800 cases? If I were the plaintiff's counsel, the claimant's counsel, I would say how we going to do that? How we going to be standing when it's over? And at the end of the day, as those calculations being made, the whole purpose of the fund you created was to help these kids, now

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adults, who through no-fault of their own were sexually and physically abused.

So, if I were suggesting a change, may be premature, but I don't think so. If you look at the amount of the claims filed, the gross amount that's being sought already for 92 claims, it's \$82 million. You can do the math on a thousand claims. I'm not saying it's worth 82 million. The Attorney General has settled, I think, eight cases. We're not involved. They settled eight cases, I think, for \$4.8 million. You can do the math.

So it's not as if trying these cases in the Superior Court is going to be less expensive or get you a result that may cost the State less. So if I were looking at this holistically, again, I'm at the front-end of it. I would think maybe \$100 million is not going to do it. Maybe we need to look at that.

Maybe in extreme circumstances, not the average circumstance, as bad as they are, I might look at the caps and say in exceptional circumstances, the Attorney General's Office in the first instance would have the capacity to go up to this number for a cap. And if it doesn't end there, they can come see me; but I can't go above that cap either. Those would be for the exceptional circumstances as defined by this Legislature.

For a lot of the cases the caps, I think, are fair. I mean, whether they're appropriate, I don't know, but they're reasonable. I don't know how you compensate someone for that. But if you got to pick a number somewhere, and I think this Legislature did its level best to do that. I applaud you for it. But if you want more cases to come, you've got to raise the caps on the most extreme cases. And I honestly believe, not today, but you need to consider putting more money in that fund. The money that you put in the fund isn't being spent unless people come to seek it. But it will be spent if the Attorney

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General of this state and his office has to prepare and try hundreds and hundreds of cases. And it will cost Judiciary some money, too. That's not in their budget and that's my guess.

So I -- I think those changes would be helpful -- uh -- and I think it would matter. And the question I think is not whether more money would help, but when you decide it should be allocated.

I'm not saying today you need to do it, but when you look at the math and the quarter two report, you look at the cases the Attorney General has settled, I think you can see that you're quickly going to get to a number that probably won't do it.

REP. EDWARDS: Thank you.

MR. BRODERICK: That's what I think.

CHAIRMAN WEYLER: Senator Gray for a question.

SEN. GRAY: Uh -- actually, it's not a question. It's a suggestion to you, Mr. Chair. Most of this conversation we've had is probably more appropriate for the last item in Tab 13, which is the informational item. Right now respecting the rest of the people that are here and their time, I would like to go back to Tab 9 and move 23-247, which is the adjustment or -- or the claims process for the administrative settlement, the updates that were provided to us, and I believe that those are appropriate and should be adopted.

CHAIRMAN WEYLER: That is the Item 9, and you might add to your motion that any future corrections or to language, spelling, et cetera, be freely made without coming back to us. So if there's any other minor changes --

SEN. GRAY: I certainly would add that.

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CHAIRMAN WEYLER: All right. So that will be part of that motion that any further minor changes can be made at the discretion of the Administrator they don't change the sum -- the meaning of what -- what is in the piece. Further questions on Item 9?

SEN. ROSENWALD: Yes, I would second it; but I have a question.

CHAIRMAN WEYLER: Motion is made and seconded.

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: Question, Representative -- Senator Rosenwald.

SEN. ROSENWALD: Thank you. There are a couple typos in your --

MR. BRODERICK: I can't hear you.

SEN. ROSENWALD: There are a couple of typos in the --

CHAIRMAN WEYLER: The 90 pages.

SEN. ROSENWALD: -- the 90 pages that you sent us. But my question is have you seen the letter with two suggestions from the Association for Justice? They made two discrete suggestions.

One is that where you say the forms are developed by the Attorney General that it would be -- that we would add with consulting the claimant's counsel. And the second suggestion is that there be a digital claims packet available. I guess I'd like to know what your comments on those two suggestions might be.

MR. BRODERICK: Go ahead {Inaudible}.

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JENN FOLEY, General Counsel, Office for Administration of YDC Settlement Fund: Hi. So your first -- the first suggestion was to make sure that claims counsel is consulted with respect to forms. I mean, we -- we have done that in terms of, I think, by statute any time the -- the Administrator has to -- uh -- bring suggestions that that's something we bring to both the Attorney General and claims counsel. So, I mean, I'm not sure what the Attorney General would think about it; but we would see that as just part of built-in to what is kind of already -- already out there in terms of making sure everybody has an opportunity to see changes or to see suggestions. So I -- I don't see an issue with it. I don't know if the Attorney General's Office would.

Um -- in terms of the second digital claims packet, we've been asked about that several times. It is something we want to do. It really is about, you know, the resources that -- where we're putting staff resources on what items. We are actually in conversation with a particular consultant with to -- to maybe go under contract to have a much more automated system and the digital form packet would be a part of an automated system.

I think given the volume that we expect to have, we need to have something that's automated. And those are conversations I've been having with the Attorney General designee as well, and we would definitely involve claims counsel to make sure that such a process, an automated process would be working for everyone, not just our staff.

MR. BRODERICK: Yeah, I just want to add one thing. We have met on two occasions, one in April and one in June, with all defense counsel, all claimant counsel. Jennifer Ramsey of the Attorney General's Office has been there. The last meeting we had was very constructive. We had the trauma-informed people that we've retained, and they were there and present. I think it's been very open. I mean,

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I -- I don't think any claimant counsel could say to you that these people aren't listening. And Jennifer Ramsey, who is the point person in that office on this process, has come to those meetings. She participates fully in those meetings. I think the Attorney General's Office is interested in suggestions. I don't have any sense or not.

So it's -- it's early. People -- people are trying to figure out who we are, what are we really about. So I -- I think, you know, we're going to build that image. Hopefully, it will be successful. But I also want to say on this record I think the Attorney General's Office has been very diligent and thoughtful in what they're doing. So there's no bad person in the equation.

My fear is that however you define success, what does that look like? And if the window closes on this process in a year and five months, and 700 cases remain in the Superior Court, is that why you did this? And if it's not why you did it, what changes can you make now 17 months out that might migrate those cases far more quickly? That's -- that's not my call, but I -- I think how you define succeeds depends on how you deal with this.

CHAIRMAN WEYLER: Further discussion from Committee? Seeing none. Question before us is to approve item nine with the addition to make any other minor changes that the Administrator finds necessary.

MR. BRODERICK: Senator Bradley, I cannot hear you.

CHAIRMAN WEYLER: I don't think he spoke. {Inaudible}.

MR. KANE: No, Mr. Chair, just could have been me. You just need a second.

SEN. BRADLEY: {Inaudible}.

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MR. KANE: Mr. Chair, if I may? Senator Gray made the motion. I just want to clarify who made the second. Senator Rosenwald. Okay. Thank you.

CHAIRMAN WEYLER: Senator Rosenwald second. I think he's got it.

GERALD GRIFFIN, State Representative, Hillsborough County, District #42: Yeah, I've got it.

CHAIRMAN WEYLER: No further discussion. Are you ready for the question? All in favor of the motion as amended say aye? Opposed no? That motion is adopted. Thank you.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: Thank you, folks.

MR. BRODERICK: Thanks very much.

(10) RSA 198:15-y, III Public School Infrastructure Fund:

CHAIRMAN WEYLER: All right. Moving on to Item 10 and the Commissioner has been waiting patiently to hear about -- for us to hear about School Infrastructure Fund. Tab 10.

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

TAMMY VAILLANCOURT, Chief Financial Officer, Department of Education: Tammy Vaillancourt, CFO for Education.

CHAIRMAN WEYLER: Okay. Question before us is the School Infrastructure Fund, authorization to retroactively amend FIS 22 -- 22-303 approved September 9th, 2020;

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extending the end date from June 30, 2023, to June 30, 2024. Is there a motion?

** SEN. D'ALLESANDRO: So move.

CHAIRMAN WEYLER: Senator D'Allesandro moves to accept, seconded by Senator Rosenwald. Further discussion. Your patience is rewarded. All in favor say aye? Opposed no? That motion is adopted. Thank you.

*** {MOTION ADOPTED}

CHAIRMAN WEYLER: All right. Next item is 23-236, Office of the Governor, authorization to retroactively amend FIS 22-380, approved November 18th, 2022, as amended by FIS 23-164 in May, 2023, and extend the end date from June 2023 to June 30, 2024.

** SEN. GRAY: Move to approve.

CHAIRMAN WEYLER: Motion to approve by Senator Gray, second by Senator Bradley. Is there any further discussion? Seeing none. All in favor say aye? Opposed no? Motion is adopted.

*** {MOTION ADOPTED}

(11) RSA 363:28, III, Office of the Consumer Advocate:

CHAIRMAN WEYLER: All right. That's -- next item is in Tab 11, Office of the Consumer Advocate, item number 23-237, and we have someone from the Office of Consumer Advocate. Please introduce yourself.

DONALD KREIS, Consumer Advocate, Office of Consumer Advocate: Good afternoon, Mr. Chairman, Members of the Committee. Not only do you have someone from the Office of the Consumer Advocate, you have the Consumer Advocate. For the record, my name is Donald Kreis, and I've served as

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Consumer Advocate since early 2016. Our office represents the interests of residential utility customers at the PUC.

Just by way of briefly introducing this item to you, there are currently two major rate cases pending at the Public Utilities Commission, and I expect as many as one or two more to be filed next year.

The fundamental task in a rate case is for the PUC to decide what the annual revenue requirement of a utility is. That's basically how much money the utility should take in in total from all of its customers. The annual revenue requirement is itself a sum of two numbers. The first number is the utility's operating costs. That's pretty straightforward. The second number is a return on the company's investment. And we derive that number by taking basically the present value of all the capital assets the utility has in-service and we multiply that by the utility's cost of capital.

The cost of capital is a blended average of basically how much money the utility owes its lenders, because they borrow about half of their capital resources from lenders. And the other half is a return on equity that is basically what the shareholders of the company are entitled to earn in exchange for them having made their investment.

Item number 11 asks your permission to hire an outside expert to help us argue that the return on equity requested by the utilities is too high. This is a very esoteric specialty. I can think of only three people in the entire State of New Hampshire who would be qualified to testify as an expert on this subject. One of them is now a member of the Public Utilities Commission. The second one is the head of the Department of Energy's Regulatory Support Division, and the third happens to be the President of Unitil, one of our utilities. And, boy, am I glad he has that job now because he is out of this game, and he was a formidable

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expert witness for utilities back when he was doing that for a living.

So we put out an RFP. Our office is presently understaffed, so we had to put out an RFP for a variety of forms of assistance in rate cases. And I believe at your next meeting I'll be back with a different contract that covers different stuff. But in this instance the expert that we decided to hire is a gentleman from Connecticut -- uh -- who submitted a bid to us. We were impressed because of some excellent work he did on a similar rate case down in Connecticut.

Uh -- so that's the reason I'm here. Our statute allows us to supplement our resources by special assessment; but in order to do that, we need the permission of both the Governor and Council and your permission.

Uh -- we snuck into the Governor and Council and got their permission ahead of yours and now the matter is pending before you as Item Number 11.

CHAIRMAN WEYLER: Thank you. Senator Gray for a motion.

** SEN. GRAY: Move to approve.

SEN. BRADLEY: Second.

CHAIRMAN WEYLER: Motion and a second to approve the request. Further discussion. Seeing none. Are you ready for the question? All in favor say aye? Opposed no? The motion is adopted.

*** **{MOTION ADOPTED}**

CHAIRMAN WEYLER: Thank you very much for coming.

MR. KREIS: Thank you very much.

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(12) Miscellaneous:

(13) Informational Materials:

CHAIRMAN WEYLER: All right. Moving on to the Information Materials. Oh, the late item. Thank you very much. The late item from DOT we see before us. Um -- so who's here from DOT? I see, I think, Commissioner Cass is here. And recommendation came down from the Executive Council to buy rather than lease. So we'll hear about that. Thank you, Commissioner.

WILLIAM CASS, Commissioner, Department of Transportation: Uh -- thank you, Chairman Weyler, for entertaining our late item. Very brief summary. We have for the last ten years, we have leased loader backhoes to -- uh -- uh -- work in our patrol -- uh -- patrol sections loading trucks, loading salt for the winter and -- and -- uh -- doing summer work of -- uh -- ditching and hauling and so forth. But -- um --at the last Council meeting as we brought forward this -- this third iteration of a five-year lease, the Executive Council asked us to do an analysis of buying versus leasing. The analysis showed a substantial savings to the State over the five years of the lease. And they had -- uh -- subsequently -- uh -- voted down the lease item and recommended us to -- uh -- proceed with the -- with the purchase.

To facilitate that purchase we are here to -- uh -- Fiscal -- um -- seeking a transfer from the Highway Surplus Account to facilitate that -- that purchase. So the costs are more than in our budget for this biennium. But over the five years of the lease, and the analysis is there, I can answer any questions so that there is a -- um -- substantial savings, an overall savings of about approximately \$5 million to the State.

So we'd ask your entertainment to -- um --
 uh -- transfer about \$4.8 million from the highway --
 uh -- from the Highway Fund to support the lease -- I mean,
 to support the purchase at this time.

CHAIRMAN WEYLER: Senator Gray.

** SEN. GRAY: Move to approve.

SEN. BRADLEY: Second.

CHAIRMAN WEYLER: Senator Gray moves to approve,
 Senator Bradley seconds. Further discussion? Seeing none.
 Are you ready for the question? All in favor say aye?
 Opposed no? That item is adopted. Thank you for saving the
 money.

MR. CASS: Thank you guy -- thank you all very much for
 taking the late item. We appreciate it.

*** {MOTION ADOPTED}

CHAIRMAN WEYLER: Okay. Now we'll move on to
 informational items. Thanks for the reminder of the late
 item. Anything anybody wishes questions on in the
 informational items? Senator Rosenwald.

SEN. ROSENWALD: Thank you. I just -- I have a question
 for Commissioner Weaver, if she'll take it.

CHAIRMAN WEYLER: Okay. That likely be on the --

SEN. ROSENWALD: That would be most relevant to the
 Dashboard which is Item Number 239.

LORI WEAVER, Commissioner, Department of Health and
 Human Services: Good afternoon. Lori Weaver, Commissioner.
 No Interim Commissioner.

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CHAIRMAN WEYLER: Congratulations!

MS. WEAVER: Thank you.

MORISSA HENN, Associate Commissioner, Department of Health and Human Services: And Morissa Henn, Associate Commissioner.

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: Senator Rosenwald is recognized for a question.

SEN. ROSENWALD: My question is based on the news story from the other day about these two teenage boys who were placed in residential treatment in Tennessee, and are being traumatized -- um -- I guess we can't use the word abused. But the Child Advocate suggested a month ago that they'd be brought back to New Hampshire. And so I've a two-part question. One is when are we going to get these two boys here; and, two, are they possible residents of the PRTF at Hampstead, is that Level 3, is that the right -- would that be a placement for them or where we -- where they going to go and when?

MS. WEAVER: Sure. So I'll take -- I'll start and if there's anything you want to add in. I'm happy to tell you that as of just a little while ago we can confirm that they will both be arriving back in New Hampshire next week.

CHAIRMAN WEYLER: Thank you.

MS. WEAVER: And they actually will not be going to the PRTF. That's a Level 5. They are currently a Level 4. So we have found appropriate equivalent placement here in New Hampshire for them.

CHAIRMAN WEYLER: Further questions on the Dashboard? Seeing none. Is there any further questions on the

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informational items? Seeing none. We'll move on to the next meeting. September 15th is -- is kind of the traditional Friday. Is there a problem with a 10 o'clock time start? Senator D'Allesandro.

SEN. D'ALLESANDRO: It's --

CHAIRMAN WEYLER: What?

REP. HUOT: I said he's the problem.

SEN. D'ALLESANDRO: {Inaudible}.

CHAIRMAN WEYLER: He may tell us about a problem, not he is the problem. 10 o'clock.

SEN. D'ALLESANDRO: I've committed to an event -- uh -- at that day at a local university, so.

CHAIRMAN WEYLER: It'll probably take you out for the whole day?

SEN. D'ALLESANDRO: It starts at eight in the morning and it goes through the day, yes.

CHAIRMAN WEYLER: Okay. So it doesn't matter when we meet. You won't be here.

SEN. D'ALLESANDRO: That's correct. Thank you.

CHAIRMAN WEYLER: Senator Rosenwald.

SEN. ROSENWALD: It's Rosh Hashanah.

CHAIRMAN WEYLER: Oh, I didn't see that.

SEN. ROSENWALD: That's probably not appropriate.

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CHAIRMAN WEYLER: All right. I didn't have that written down.

SEN. ROSENWALD: It shows up on my calendar. Oh, no.

REP. EDWARDS: That's that musical band; right?

SEN. ROSENWALD: It moves around.

CHAIRMAN WEYLER: All right. And it's also Hispanic Heritage Month begins. Well. Oh, there -- there it is. It says Saturday is the first day of Rosh Hashanah, the 16th.

SEN. ROSENWALD: Uh -- well, okay. It's on my calendar for the 15th, but maybe it starts in the evening.

CHAIRMAN WEYLER: That's what this calendar says. The first day is Saturday, the 16th, but you say --

SEN. ROSENWALD: Okay. So then it starts in the evening. So in that case --

CHAIRMAN WEYLER: It won't affect -- it won't affect Rosh Hashanah?

SEN. BRADLEY: Since it's September, do it on a Thursday as opposed to a Friday.

CHAIRMAN WEYLER: I don't see a problem, because we won't be meeting and won't be all tied up in meetings, unless Mr. Kane see a problem.

MR. KANE: No.

CHAIRMAN WEYLER: Request for the -- for the 14th? Senator, is that a request for the 14th?

SEN. BRADLEY: Yes.

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CHAIRMAN WEYLER: Is there any objection to putting it on the 14th? 10 o'clock okay? Okay. Then Senator -- Representative Edwards.

REP. EDWARDS: Yes, sir. I just want to let you know that due to surgery I probably will be unable to make any meeting until December, and so I'll need alternates.

CHAIRMAN WEYLER: Very good. We always have very many alternates that attend every meeting, and I'm delighted we have them. And we always have use for them, especially today. So we will have -- we will have an alternate for Representative Edwards. So any --

SEN. BRADLEY: I thought we were going to get back to Justice Broderick.

CHAIRMAN WEYLER: Well --

SEN. BRADLEY: Apparently not.

CHAIRMAN WEYLER: -- he's -- he said his peace.

SEN. D'ALLESANDRO: Didn't he have -- didn't he have some suggestions he wanted to bring forward?

CHAIRMAN WEYLER: Did you have further questions for him.

SEN. BRADLEY: I did but --

CHAIRMAN WEYLER: We can have -- we can have the LBA send the questions to him and have him get back to all of us. Would that be sufficient?

SEN. BRADLEY: Um -- I -- I think it might be better actually given his testimony that we ask him to come back in September at our September meeting.

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CHAIRMAN WEYLER: All right.

SEN. BRADLEY: And the point I was going to make to him was -- um -- I'm glad to hear the collaboration between the Attorney General's Office and the Administrator. I think that's exactly what, you know, Representative Umberger's bill set up a couple of years ago. Um -- the changes he's suggesting, the amount of dollars, the egregious cases limits, I think just speaking for myself that those of us that worked on that piece of legislation and the changes that were made in HB 2 -- um -- we're going to want to rely on the experts. And I wanted the Attorney General and the Administrator to hear that because I think the suggestions need to come to us as opposed to us making the suggestions to go to them.

CHAIRMAN WEYLER: Good.

SEN. BRADLEY: So, if you could politely ask them to come back in September, I'll reiterate that.

SEN. D'ALLESANDRO: I think in support of -- of Senator Bradley, I think it was quite clear that the Administrator had some changes that he thought would be appropriate in order to expedite the process. The time constraint is really what we're dealing with. And if something could be done to expedite that, and expedite more people getting into the queue, I -- I think that will solve a problem.

SEN. BRADLEY: If I can, I'm glad to see that they're moving on the digital claims. Uh -- anything that simplifies the process is going to expedite claims coming out of the Court and into the settlement process. So I think that's good. And -- and I do -- I'm glad to see that they are communicating about the consultation between the counsel and the Administrator, too. So that's helpful. But, hopefully, we get a progress report on both of those in September.

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CHAIRMAN WEYLER: Obviously, there are changes they're making continuously.

SEN. BRADLEY: Yeah, yeah.

CHAIRMAN WEYLER: So it is good to have them back every month. And if this is going to go over \$100 million, we want to have a head count.

SEN. BRADLEY: Exactly, and we want to rely on, you know, the people that have to settle this for their best estimates as to what we need to do. I -- I don't want to be, and I don't think any of us want to be, you know, blindly going into the dark where we're talking about as much resources as this could be, so.

CHAIRMAN WEYLER: We're liable to get a lot of questions from our constituents.

SEN. D'ALLESANDRO: I think if we hear about changes in the process that may expedite the hearings, that may have a positive effect on the amount.

CHAIRMAN WEYLER: Yes.

SEN. D'ALLESANDRO: You know, we wouldn't have to move on the amount if, indeed, these are done.

CHAIRMAN WEYLER: But I am -- I am surprised there's no polygraph when there's no witnesses, no corroboration of any kind. You just tell a story and, you know.

SEN. GRAY: I do have a suggestion to slightly modify Senator Bradley's suggestion, and that is that I'd like to see these vetted through the AG's Office. When we got the suggestions during the Senate Finance hearings, there were things that the Attorney General -- um -- did -- didn't especially like, okay. And so they have that opportunity to have him go to the Attorney General and either present a

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combined recommendation or the recommendation, and then the Attorney General's response, I think, is going to be much more helpful to us in trying to make any decision. So just my two cents in that, how that process should work.

CHAIRMAN WEYLER: Representative Huot.

REP. HUOT: I was -- I was -- I was behind the ball. I was thinking about the -- um -- lie detector test. That's not something you commonly see in any kind of civil litigation. Besides, it would -- it would -- it would violate several -- several items in the Constitution --

CHAIRMAN WEYLER: Really?

REP. HUOT: -- if you try to do it that way.

CHAIRMAN WEYLER: Thank you for that information.

SEN. BRADLEY: All I was going to say is I totally agree with Jim on what he just said. That's why I said the spirit of collaboration is really good. And I would hope that, Mr. Kane, in the minutes this conversation gets back both to Justice Broderick and to -- um -- the Attorney General.

MR. KANE: Yes, I'll craft an e-mail to them. I'll also send them the clip from this meeting, but I'll kind of give them an idea of what the Committee is looking to hear in September, have both of them work together, come back with suggested recommendations. Since a lot of these are going to require legislation, you're going to want to have that open discussion here so you have a chance to file; but I can share that with them, yes.

SEN. BRADLEY: As always, Mike, you're the best.

MR. KANE: Thank you. Thanks.

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SEN. BRADLEY: You haven't lost anything on your fast ball.

CHAIRMAN WEYLER: You need to tell him that every month.

SEN. D'ALLESANDRO: Right.

CHAIRMAN WEYLER: And when you get a chance some content -- contact information since we can't go over to the corner office and find anybody there.

MR. KANE: Yes, there's some wonderful renovations going on at the State House in our office. So we are all over the place. We're like men without countries.

So I'm over in audit, but you can always call my cell phone. I'll send the Committee my cell phone. You can call -- if you e-mail Pam, Chris, and I, we'll make sure that either we respond to you by phone or e-mail, however you like. Or -- um -- we can have the analyst reach out to you also if there's any in-person meetings, like Fiscal and things like that. We'll make sure we're here. That should be done, knock on wood, by middle of September, Labor Day or so, I think.

CHAIRMAN WEYLER: Very good. Anything further from Committee Members? Seeing none. We'll entertain a motion to adjourn.

** SEN. BRADLEY: So move.

SEN. D'ALLESANDRO: So move.

CHAIRMAN WEYLER: All in favor? We are adjourned. Thank you very much, Mr. Kane.

(Audio ended.)

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C E R T I F I C A T E

I, Cecelia A. Trask, a Licensed Court Reporter, do hereby certify that the foregoing transcript is a correct transcription of the Joint Legislative Fiscal Committee meeting on August 11, 2023, from the YouTube recording of the proceeding in the above-entitled matter to the best of my professional skill and ability.

Cecelia A. Trask, RMR, RPR
NH-LCR#00047

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