

JOINT LEGISLATIVE FISCAL COMMITTEE

Legislative Office Building, Rooms 210-211

Concord, NH

Friday, November 18, 2022

COMMITTEE MEMBERS PRESENT:

Representative Karen Umberger, Chairwoman

Representative Tracy Emerick

Representative Bob Lynn

Representative Keith Erf

Representative Peter Leishman

Senator Regina Birdsell (Alt.)

Senate President Chuck Morse

Senator James Gray

Senator Donna Soucy (Alt.)

Senator Jay Kahn (Alt.)

(1) Acceptance of Minutes of the October 14, 2022 meeting

KAREN UMBERGER, State Representative, Carroll County, District #02 and Chairwoman: It's 10 o'clock and I believe we are ready to begin the Joint Fiscal Committee meeting of November 18th. Uh -- could I have a motion to accept the minutes?

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

DONNA SOUCY, State Senator, Senate District #18: Second.

CHAIRWOMAN UMBERGER: All right. Thank you, Senator Gray. Thank you, Senator Soucy. Okay. Uh -- all those in favor, please -- all those in favor, please raise their hand? Opposed? Abstained? Three abstentions.

***** {MOTION ADOPTED}**

(2) Old Business:

CHAIRWOMAN UMBERGER: Representative Emerick, I believe you are proposing that we take FIS 22-348 off the table.

TRACY EMERICK, State Representative, Rockingham County, District #21: Yes, Madam Chair, and replace with -- replace it with 22-348 as resubmitted.

CHAIRWOMAN UMBERGER: Is there -- okay. Taking FIS 22-348 off the table and replace it with 22-348.

REP. EMERICK: Revised.

MICHAEL KANE, Legislative Budget Assistant, Office of Legislative Budget Assistant: Correct.

CHAIRWOMAN UMBERGER: Revised.

MR. KANE: The replacement item for 348, correct.

CHAIRWOMAN UMBERGER: Okay. Oh, yes, a replacement item for 348. Thank you. Representative Erf.

REP. EMERICK: Who made the motion? I -- I did.

CHAIRWOMAN UMBERGER: Hm-hum.

REP. EMERICK: Okay. Hello, planet earth. All right.

CHAIRWOMAN UMBERGER: Good morning, Tracy. Is there anything you'd like to say?

REP. EMERICK: No. Actually, there were some revisions that I think during the proposal more in line. That's about it.

CHAIRWOMAN UMBERGER: Okay. Thank you. Are there any other comments? Seeing none. Will the Clerk please call the roll.

REP. EMERICK: 22-348 is revised. Emerick votes yes. Representative Erf.

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

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REP. EMERICK: Representative Leishman.

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

REP. EMERICK: Representative Lynn.

BOB LYNN, State Representative, Rockingham County, District #07: Yes.

REP. EMERICK: Senator Birdsell.

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

REP. EMERICK: Senator Morse.

CHUCK MORSE, State Senator, Senate District #22 and Senate President: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: No.

REP. EMERICK: Senator Kahn.

JAY KAHN, State Senator, Senate District #10: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 9 to 1.

***** {MOTION ADOPTED}**

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CHAIRWOMAN UMBERGER: The vote being 9 to 1, we have taken this off the table and replaced it with 22 -- well, with the revised 22-348. And -- uh -- is there any discussion on the revision? Seeing none. Will the Clerk call the roll.

** REP. LEISHMAN: Move the item.

REP. LYNN: Second.

CHAIRWOMAN UMBERGER: Oh, okay. Sorry. Representative Erf made the motion to approve. Representative Leishman seconded.

REP. EMERICK: All right. This is 348 replacement.

REP. EMERICK: Emerick votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

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SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: Thank you. The vote being 10 to zero, the motion passes.

***** {MOTION ADOPTED}**

REP. LEISHMAN: Madam Chair, before we go any further, could I make a few comments?

CHAIRWOMAN UMBERGER: Certainly.

REP. LEISHMAN: Thanks, Madam Chair. Uh -- often the Committee will recognize people at the very end of our meetings. We're losing at least two of the people that are here today, Senator Morse and Representative Umberger. And I don't know which one to start first and either praise or -- but I'll start with Senator Morse.

I became friendly with Senator Morse when he was Chair of Senate Finance, and I was Chair of Division I. And he called me up on the phone and he said, you know, we need to speak about what Division I has done. So I guess was a little timid at the time because I heard a lot of tough things about Chuck Morse, but I ventured over to his office and I guess you could say that he knows how many pencils are purchased every year in the state. His knowledge of the budget is incredible. Um -- well, he went through ours in Division I and I guess he didn't find any problems so I thought I guess I passed his grade. But over the years we've become friends and -- uh -- on a personal note, I

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lost my son and I received a call from Senator Morse and he said I've got this beautiful dogwood tree, and I'm going to send a group of people over and plant it so you better find a place. And my family and I would like to honor you and your son with a tree. And that just speaks to the gentleman sitting over there. And I -- I'm going to miss him because oftentimes, but not often, but occasionally we'll disagree and I'll get that look, even got the look in the hall this morning because he saw something I'd said in the newspaper.

So I'm going to miss him and the State's going to really lose an incredible public servant, but I'm sure somebody will find a place for him. But he's certainly going to be missed and I thank him for everything he's done for me and the state.

And I'd like to move now to Karen Umberger who I met years ago. She came over to Division I and she was a rock as soon as she got there. I learned that she had been a Colonel in the Air Force and she often kept me in line and some of the other members of the Division. But Karen, losing Karen, who's one of the most ethical, thorough, individuals I've ever had the privilege of knowing is -- uh -- it's a tough day for, again, losing two very good people in State Government. I just would like to say thank you to them for their service.

(Applause.)

CHAIRWOMAN UMBERGER: Thank you, Representative Leishman. I know that both Senator Morse and I truly appreciate your words. Thank you.

CONSENT CALENDAR

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

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:
- (8) 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:
- (9) RSA 124:15, Positions Authorized:

CHAIRWOMAN UMBERGER: Okay. Moving now to the Consent Calendar. I have three items to take off Consent. They are 22-399, 22-404, and 22-385. Are there any other items to come off Consent? Seeing none. Could I have a motion to approve the remaining items on the Consent Calendar?

** SEN. GRAY: So move.

SEN. BIRDSELL: Second.

CHAIRWOMAN UMBERGER: Thank you, Senator Gray and Senator Birdsell seconded.

REP. EMERICK: Roll call on --

CHAIRWOMAN UMBERGER: You're not on.

REP. EMERICK: Okay. This is on the Consent Calendar. Emerick votes yes. Representative Erf.

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REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: The vote being 10 to zero, the remainder of the Consent Calendar is approved.

***** {MOTION ADOPTED}**

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MR. KANE: Madam Chair, if I might? Sorry. Mike Kane. What was the third item that was removed from Consent? We got 399, 404 and?

CHAIRWOMAN UMBERGER: 385.

MR. KANE: 385. Thank you.

CHAIRWOMAN UMBERGER: Hm-hum. Okay. Moving on to the Regular Calendar. This is Tab 10.

REP. EMERICK: You want to take the ones we took off?

CHAIRWOMAN UMBERGER: You want me to do that first? Okay. All right. Tracy wants me --

REP. EMERICK: It be easier.

CHAIRWOMAN UMBERGER: Tracy would prefer that I go through the items that have been taken off the Consent Calendar. Nope. We can do that. All right.

Uh -- the first item is 22-399 in tab -- I don't know what --

REP. ERF: Five.

CHAIRWOMAN UMBERGER: Five.

REP. ERF: Madam Chair.

CHAIRWOMAN UMBERGER: Yes.

REP. ERF: I don't know if you're going in order or not, but the first one if you go in order is 385.

CHAIRWOMAN UMBERGER: Okay.

REP. ERF: Also on Tab 5.

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CHAIRWOMAN UMBERGER: I have no problem.

REP. ERF: I don't care either. I just didn't --

CHAIRWOMAN UMBERGER: Okay. 385. FIS 22-385 in Tab 5.

NATHAN WHITE, Chief Financial Officer, Department of Health and Human Services: Good morning. Nathan White, DHHS CFO.

PATRICIA TILLEY, Director, Division of Public Health Services, Department of Health and Human Services: Good morning. Trish Tilley, Director of the Division of Public Health Services.

REP. ERF: Thank you both for being here.

CHAIRWOMAN UMBERGER: Yes, Representative Erf, you have a question.

REP. ERF: Thank you, Madam Chair. Can I start now?

CHAIRWOMAN UMBERGER: Yes, you may.

REP. ERF: My bad. Thank you both for being here. As I'm sure you're aware, I posed the question about parental consent as it relates to this Fiscal Note. And I have a question. And thank you for your responses to that, but I'd like to go a little deeper in that.

So given that federal ESSA law, which is the Every Student Succeeds Act requires, and this is a quote from that one very long document, informed consent from the parent of each child who's under 18 years of age to participate in any mental health assessment or service, end quote. Wouldn't the more proactive approach on the part of DHHS be to actively encourage the people being trained to first get parental consent when there's any concern on the mental health of a child?

MS. TILLEY: I think that that's accurate and that certainly can be if it is not currently part of that training. We can ensure that that's part of that.

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

** REP. ERF: I'll move the item.

CHAIRWOMAN UMBERGER: Oh, thank you. Erf and Lynn. I'm doing really well this morning.

REP. EMERICK: Okay. This is 385. Emerick votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Representative -- Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

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REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Senator Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Representative. Well, you got a promotion today to the little house. Madam Chair, the vote is 10 to zero.

CHAIRWOMAN UMBERGER: The vote being 10 to zero, FIS 22-385 passes.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: We now turn to FIS 399 which is also in Tab 5. Oh, welcome back.

MR. WHITE: I'm still here and I'm also joined by.

ELLEN LAPOINTE, Chief Executive Officer, New Hampshire Hospital: Hi. Ellen LaPointe, CEO at New Hampshire Hospital.

CHAIRWOMAN UMBERGER: Okay. Someone had a question. Representative Leishman.

REP. LEISHMAN: Thanks, Madam Chair. Good aft -- or good morning, Mr. White. And, I'm sorry, I didn't catch your name.

MS. LAPOINTE: Ellen LaPointe.

REP. LEISHMAN: Thanks. If I recall, the tanks were supposed to be removed some time ago, and now it's being put off again. Is your thoughts that you'll be bringing a request through the budget to remove these tanks again, I guess?

MS. LAPOINTE: Yes. Yes, that would be our plan going forward.

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REP. LEISHMAN: And a follow-up question.

CHAIRWOMAN UMBERGER: Certainly.

REP. LEISHMAN: So I'm taking it not to ever assume, but there's no environmental risk by leaving those tanks in the ground? That's not an issue. It's just the abandoned tanks need to be removed?

MS. LAPOINTE: Correct, yes. No environmental risk associated with the tanks.

****** REP. LEISHMAN: Okay. Thanks so much. Thanks, Madam Chair. That's all I have. I'd move the item if there's not another question.

CHAIRWOMAN UMBERGER: Okay. I have a motion.

SEN. SOUCY: Second.

CHAIRWOMAN UMBERGER: Seconded by Senator Soucy. Will the Clerk please call the roll on --

REP. EMERICK: Another question.

CHAIRWOMAN UMBERGER: Oh, another question.

REP. ERF: Might I ask another question, Madam Chair?

CHAIRWOMAN UMBERGER: Sure.

REP. ERF: After my botching the first time.

CHAIRWOMAN UMBERGER: Yeah, I'm sorry.

REP. ERF: Thank you, Madam Chair. Could you just -- so this was, as I recall, approved in the previous term, not the current term. I'm just wondering why the two plus year delay in even getting to the process given that doesn't -- wasn't like you had

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to plan anything or, you know, do a design or anything. Just basically taking out tanks and putting in new ones.

MS. LAPOINTE: Um -- I think -- I don' think it was -- I think -- so forgive me. I -- I think that it was more recent that we got the approval for the tanks.

MR. WHITE: Yeah. So in -- um -- in the -- attached to the item in front of you we are actually -- this request is to amend a prior item, 22-162, that came before the Committee this past spring. I think -- I believe it was at the May meeting where we were accepting, what was it, about \$5.6 million of DSH funding and we had allocated funds to specific projects and the underground oil tanks was one of those projects. And so here we're seeking to repurpose those funds to cover the additional increased construction costs. Did I answer your question?

REP. ERF: Follow-up.

CHAIRWOMAN UMBERGER: Yes.

REP. ERF: Thank you for that, but I thought that item you referred to was actually talked about an item that had previously budgeted in the prior term; is that not correct?

MR. WHITE: The -- the FIS 22-162, that item came before the Committee because it -- it did come outside of the budget.

REP. ERF: Hadn't the --

CHAIRWOMAN UMBERGER: Go ahead.

REP. ERF: Excuse me. I'll stop.

CHAIRWOMAN UMBERGER: Okay. We have a motion on the floor by Representative Leishman, seconded by Senator Soucy. Will the Clerk please call the roll.

REP. EMERICK: Roll on 399. Emerick votes yes. Erf.

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REP. ERF: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: (Inaudible).

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: (Inaudible).

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: No.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Oh, did I -- Representative Leishman, my apologies.

REP. LEISHMAN: Yes.

CHAIRWOMAN UMBERGER: We're supposed to be organized in our last meeting of the year. We're not doing well.

REP. EMERICK: Madam Chair, the vote is 9 to 1.

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CHAIRWOMAN UMBERGER: The vote being 9 to 1, FIS 399 passes.

*** {MOTION ADOPTED}

CHAIRWOMAN UMBERGER: We now turn to FIS 22-404 under Tab 7.

** REP. EMERICK: Madam Chair, I'd like to make a motion to table 22-404 for a Special Meeting on December 2nd.

REP. LYNN: Madam Chair, before we do that may I -- may I --

CHAIRWOMAN UMBERGER: We can table it first and then you can make your announcement.

REP. LYNN: Okay.

CHAIRWOMAN UMBERGER: Do I have a second for that?

REP. LEISHMAN: Second.

CHAIRWOMAN UMBERGER: Thank you, Representative Leishman. Representative Lynn needs to make a statement.

REP. LYNN: Yes. Thank you, Madam.

SEN. SOUCY: (Inaudible).

CHAIRWOMAN UMBERGER: Yes.

SEN. SOUCY: (Inaudible).

CHAIRWOMAN UMBERGER: This is not a debate. This is simply a statement based on his involvement. Okay. Just so it's clear for everybody. Hm-hum, thank you.

REP. LYNN: Thank you, Madam Chair. I -- I -- uh -- I make this disclosure pursuant to the General Court's Ethics Booklet, Part I, Section 7. And I do this not because I believe that I really have a conflict of interest; but nonetheless, out of an abundance of caution. I note that yesterday I filed a

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Declaration of Intent with respect to this matter. It arises out of the fact that there has -- there apparently is a dispute between some parties relating to the matter, one of the parties being Comcast, and I note for the record that I own and have owned for many years shares of Comcast common stock of approximately, as of -- checking as of yesterday, was 243 shares. Those shares represent a small percentage of the assets held by myself and my wife, and I do not believe that -- I have no question that it would not affect in any way my ability to fairly and impartially consider the matters related to this issue. Nor do I believe that any person -- any objective person fully informed of the facts could conclude otherwise.

For those reasons, I do not intend -- I intend to participate in the vote on this matter. And, as I said, I have filed a written Declaration of Intent with the Clerk of the House. Thank you.

CHAIRWOMAN UMBERGER: Thank you very much. Will the Clerk please call the roll on FIS 404.

REP. EMERICK: 404 tabled until December 2nd. Emerick votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: (Inaudible).

REP. EMERICK: Senator Morse.

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SEN. PRESIDENT MORSE: (Inaudible).

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: Thank you very much. The vote being 10 to zero, this item is tabled and we will have a special meeting on December 2nd to fully discuss this item.

*** {MOTION ADOPTED}

REGULAR CALENDAR

(10) RSA 9:16-a, I, Transfers Authorized and RSA 9:17-a, III, Limitations:

CHAIRWOMAN UMBERGER: Okay. Now can I go to the Regular Calendar?

REP. EMERICK: (Inaudible).

CHAIRWOMAN UMBERGER: Thank you. Thank you. We now turn to Tab 10. The first item on the agenda is FIS 22-395, the Department of Health and Human Services.

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MR. WHITE: Good morning. Nathan White, CFO, DHHS.

CHAIRWOMAN UMBERGER: Good morning. Are there any questions for Mr. White? Seeing none. Could I have a motion?

** REP. ERF: Move the item.

CHAIRWOMAN UMBERGER: Representative Erf. Do I have a second?

REP. LYNN: Second.

CHAIRWOMAN UMBERGER: Second by Representative Lynn. Will the Clerk please call the roll.

REP. EMERICK: Roll on 395. Emerick votes yes.
Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

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REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: The vote being 10 to zero, FIS 22-395 passes.

***** {MOTION ADOPTED}**

(11) RSA 21-M:11-a, IV, Bureau of Civil Law:

CHAIRWOMAN UMBERGER: We now turn to FIS 22-392. This item was a change to a form for the YDC Center -- um -- settlement. You have a copy of the change in your books. Are there any comments? Seeing none.

****** REP. LYNN: I would move the item.

CHAIRWOMAN UMBERGER: Thank you, Representative Lynn. Do I have a second? Thank you, Senator Gray. Ready?

REP. EMERICK: Okay.

CHAIRWOMAN UMBERGER: All right.

REP. EMERICK: Roll call --

CHAIRWOMAN UMBERGER: Please call the roll.

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REP. EMERICK: -- 392. Emerick votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

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CHAIRWOMAN UMBERGER: The vote being 10 to zero, FIS 22-392 is approved.

*** {MOTION ADOPTED}

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

CHAIRWOMAN UMBERGER: Turning to Tab 12, FIS 22-380, from the Office of the Governor. Go ahead. Would you please introduce yourself. You need -- yeah, thank you.

AMY CLARK, Bureau of School Safety and Facility Management, Department of Education: Good morning. My name is Amy Clark and I'm with the Department of Education. I'm the Administrator for School Safety and Facility Management.

ROB BUXTON, Director, Division of Homeland Security and Emergency Management, Department of Safety: Good morning. Rob Buxton, Director, Homeland Security and Emergency Management.

CHAIRWOMAN UMBERGER: Welcome. I have not met you before. So congratulations on your new job.

MR. BUXTON: Thank you.

CHAIRWOMAN UMBERGER: Are there any questions for either of the folks here? Seeing none. Could I have a motion, please? Thank you, Representative. Seconded by Senator Birdsell.

CHAIRWOMAN UMBERGER: By the way, not all go through this easy. I just -- I just want you to know that. And that this is only because it's your first time we allowed it to happen.

MR. BUXTON: I appreciate it.

CHAIRWOMAN UMBERGER: No problem.

REP. EMERICK: There is your freebie. This is on 380. Emerick votes yes. Representative Erf.

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REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: (Inaudible).

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: The vote being 10 to zero, FIS 380 passes. Thank you.

***** {MOTION ADOPTED}**

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(13) RSA 206:33-b, Transfers From Fish and Game Fund:

CHAIRWOMAN UMBERGER: We now turn to Tab 13. Uh -- FIS 22-373 from Fish and Game.

LIEUTENANT ROBERT MANCINI ,Department of Fish and Game:
(Inaudible).

CHAIRWOMAN UMBERGER: Yeah. Blah, blah. Stop. We can't hear you because your mic's not on.

LIEUTENANT MANCINI: Good morning, Madam Chair, Members of the Fiscal Committee. My name is Lieutenant Robert Mancini with the New Hampshire Fish and Game Department.

CHAIRWOMAN UMBERGER: Thank you. Are there any questions from the Committee? Seeing none. Representative Leishman moves FIS 22-373.

REP. EMERICK: I'll second.

CHAIRWOMAN UMBERGER: Seconded by Representative Emerick.

REP. EMERICK: Roll call on 373. Emerick votes yes.
Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

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REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: The vote being 10 to zero, FIS 22-373 passes.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: We now turn to FIS 22-389, also from Fish and Game. Lieutenant, I see you have someone that has joined you.

SCOTT MASON, Executive Director, Department of Fish and Game: Scott Mason, the Executive Director of Fish and Game.

CHAIRWOMAN UMBERGER: Thank you. Are there any questions from the Committee? Seeing none. Could I have a motion to accept FIS 22-389.

****** REP. LYNN: So move.

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CHAIRWOMAN UMBERGER: Thank you, Representative Lynn.
Seconded by Senator Gray.

REP. EMERICK: Roll call on 389. Emerick votes yes.
Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: The vote being 10 to zero, FIS 22-389 passes. Thank you both for coming in today.

*** {MOTION ADOPTED}

(14) RSA 490-F:11, Judicial Branch Budget Request:

CHAIRWOMAN UMBERGER: We now turn to Tab 14 which is FIS 22-391. Yes. Welcome. Okay. That's all right. Just turn your microphone on and introduce yourself.

HON. DAVID KING, Administrative Judge, New Hampshire Circuit Court, Judicial Branch: Yeah, good morning. My name is David King. I'm the Administrative Judge of the New Hampshire Circuit Court.

CHAIRWOMAN UMBERGER: Are there any questions on FIS 22-381.

JUDGE KING: Perfect timing.

CHAIRWOMAN UMBERGER: Representative Lynn.

REP. LYNN: Yes. To either the Chief Justice or Justice King. Am I understanding that you are submitting this for the purpose of us being aware of it, not -- not to sort of bless it, so to speak. And I think -- I mean, personally the reason for that is we really haven't had a chance to look at it in a -- in the underlying -- we got the underlying report yesterday, and I haven't had a chance to really look at it. Um -- and the one thing that I -- I say candidly one thing that at least raises a question in my mind is -- um -- the -- with regard to the Circuit Court, the need for 21 additional judicial officers. That -- I mean, I -- I don't have any question that you may need some additional Circuit Court judges. I don't have any question about that. Twenty-one is -- I guess I'd like to -- if you're asking us to sort of say we agree with that, I think I wouldn't be prepared to do that now.

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HON. GORDON J. MACDONALD, Chief Justice, New Hampshire Supreme Court, Judicial Branch: Good morning, Madam Chair, Members of the Committee. For the record, I'm Gordon MacDonald, Chief Justice. With me is the Administrative Judge of the Circuit Court, David King. We're here as required under RSA 490:11 to submit for the Committee's approval a weighted caseload study. So we're here pursuant to the Legislature's directive.

The way the caseload study, for the benefit of the Members of the Committee, is an evidence-based study based on a well-established methodology. Um -- and -- um -- you know, the -- the -- be happy to react to the -- um -- the findings of the study. But it is something that we undertook in consultation with the national group that has done -- um -- many of these studies and -- um -- and -- and the conclusions are what they are.

CHAIRWOMAN UMBERGER: Did you have a follow-up?

REP. LYNN: Yeah. I guess what I'm -- I -- I guess all I'm sort of saying is I'm not, at least personally, I'm not -- I'm not prepared to sort of accept it at this point. I'm not -- it may very well be able to, you know, be entirely appropriate to accept it. All I'm saying is I don't think I've had enough time and I'm not sure if any of the other members of the Fiscal Committee have really had an enough time to digest the, you know, the full report to make a decision on it now. That's -- that's all I'm really saying.

CHAIRWOMAN UMBERGER: Are there any further questions? I do have -- I do have one question. Um -- when you submit your budget, which is coming up relatively soon, will you be including these new positions in your budget?

JUSTICE MACDONALD: The -- we have submitted the budget to the Governor, and the -- the -- our budget does reflect -- uh -- what we learned from the weighted caseload study. But I will tell the Committee it does not reflect all the positions that were set forth in the weighted caseload study.

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CHAIRWOMAN UMBERGER: Okay.

JUSTICE MACDONALD: And just if I may, Madam Chair, getting back to Representative Lynn's question. Specifically what the statute asks the Committee to approve are any provisions to the weighted case values. So we're not -- that's technically what you're approving, the revisions to weighted case values and not necessarily the number of positions that that -- those case values are suggesting are needed.

CHAIRWOMAN UMBERGER: Okay. Are there any further questions?

SEN. SOUCY: (Inaudible).

CHAIRWOMAN UMBERGER: Okay. Thank you, Senator Soucy. Seconded by Senator Birdsell. Will the Clerk please call the roll.

REP. EMERICK: Roll call 391. Emerick votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: No.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: (Inaudible).

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CHAIRWOMAN UMBERGER: That was a yes.

REP. EMERICK: Yes. Okay. Senator Gray.

SEN. GRAY: No.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: The vote being eight in favor and two opposed, FIS 22-391 is approved.

***** {MOTION ADOPTED}**

JUSTICE MACDONALD: Thank you, Madam Chair, Members of the Committee. And, obviously, please reach out to me or Judge King as you study the report and be happy to respond to any questions.

CHAIRWOMAN UMBERGER: Thank you very much.

(15) Miscellaneous:

CHAIRWOMAN UMBERGER: We now turn to FIS 22-374 from the State Treasury. That is in Tab 15.

MONICA MEZZAPELLE, State Treasurer, Department of Treasury: Good morning, Madam Chair, Members of the Committee. For the record, I'm Monica Mezzapelle, State Treasurer.

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CHAIRWOMAN UMBERGER: Okay. Thank you. Uh -- are there any questions for the Treasurer? Seeing none. Could I have a motion, please. Thank you. Motion by Senator Soucy, second by Senator Kahn.

REP. EMERICK: Roll call 374. Emerick votes yes.
Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: (Inaudible).

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative UMBERGER.

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CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: Vote being 10 to zero, FIS 22-374 is approved.

MS. MEZZAPELLE: Thank you.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: Mr. Kane.

MR. KANE: Sure. Just on that, I would -- we can get to it during the audits for release of the CAFR and all the annual reports. You do have four late items that you need to take up. You have three from the Governor's Office, the GOFERR Office, and you also have one from Employment Security, and one from Administrative Services. So you probably want to take actions on those first. Before the audits are presented today, I'll have -- ask Representative Emerick to make that motion to release the other reports.

CHAIRWOMAN UMBERGER: Okay. So you'll release them all. Okay.

MR. KANE: Yes, at that point.

CHAIRWOMAN UMBERGER: When we do the audits.

MR. KANE: Yes. Sorry.

CHAIRWOMAN UMBERGER: Okay. No problem.

MR. KANE: Thank you.

CHAIRWOMAN UMBERGER: I was confused.

MR. KANE: That was my fault. Thanks.

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(16) Informational Materials:

CHAIRWOMAN UMBERGER: Okay. We now move to the Informational items. And I would like to say that FIS 22-375 from the Department of Health and Human Services was an excellent report. And I -- I appreciate it. I also felt that FIS 22-376 from -- oh, from the Department of Health and Human Services, was also a very good report. So if we could now go to the late items, if I can find them. But they're in your manila folder. Okay. Thank you. 4.3. Okay. I guess I must have left behind in the other room.

REP. EMERICK: (Inaudible).

CHAIRWOMAN UMBERGER: Yeah. Okay. Our first item on the late items is FIS 22-423 from the Governor's Office for Emergency Relief and Recovery, please.

TAYLOR CASWELL, Executive Director, Governor's Office for Emergency Relief and Recovery: Good morning. Can you hear me? Okay.

CHAIRWOMAN UMBERGER: Yep.

MR. CASWELL: And I'm sorry, which item is this now? 423?

CHAIRWOMAN UMBERGER: 423. This is Emergency Rental Assistance.

MR. CASWELL: Okay. So quick explanation.

CHAIRWOMAN UMBERGER: Please.

MR. CASWELL: Thank you. So this item is related to a situation that we have been dealing with with the Emergency Rental Assistance Program. As you know, and we've discussed in this forum many times, there are resources that have been provided to this fed -- to the state from the Federal Government. We have been spending those

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resources -- uh -- pretty quickly over the last couple of years in -- uh -- I -- uh -- with a sub award agreement through New Hampshire Housing.

As we now are seeing the end of the funding that is available to the State under this program, we have a number of people who are at this point being temporarily housed in hotels and motels in the state. What we have in front of you today is a request to fund the -- from the -- the State's Fiscal Recovery Fund in the amount of \$20 million to continue to provide housing for those individuals through April 15th -- April 1st, excuse me, for individuals and couples and through June 15th for families. We feel that this is the population that is in the most needy situation going into the winter months.

The timing in terms of the availability of resources under ERA and the -- uh -- the diminishing amounts that are available to that is not of our -- is not of our preference. We have over the last couple of months made requests from U.S. Treasury in excess of \$100 million worth of allocation -- reallocated funds under the ERA program to continue funding the full program; but, to date, we have received somewhere just above \$4 million worth of funds for that reallocation.

So this is -- this is an opportunity for us to take care of the people that are in the most needy situation as we go into the winter months. Keep them in a housing situation. We will continue to work with those individuals through New Hampshire Housing and the CAPS with the services that will be provided to them to help them transition a more permanent housing situation and also get them access to other services that are available at the state and federal level. Those have been under way since the inception of this program and will continue.

So a combination of \$20 million for that purpose. And, in addition, I believe there's a separate item for -- for the services that will go with those -- with those programs. So that's, I guess, the quick overview, Madam Chair.

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CHAIRWOMAN UMBERGER: Okay. Thank you. Uh -- Representative Leishman.

REP. LEISHMAN: Thanks, Madam Chair. Thanks for your presentation, Commissioner. So I believe we've got about 7500 families. I don't know what that equates to as far as individuals and, clearly, I support keeping them out of the winter cold. But what concerns me, I understand that we're paying as much as 350 or more dollars to hotels for rooms. Or are you able to control some of those costs? Paying those higher rates would certainly eat into your funding quickly.

MR. CASWELL: Absolutely. And thank you, Representative. Our goal with this round of funding that we are asking for now, the 20 million, we are going to set sort of an overall goal of \$200 as a cap for the per night cost of these -- of this type of housing. I think, though, having said that, we are going to have some instances where we might see in the -- in the Mount Washington Valley, for instance, where the cost of a hotel room during February vacation week is a higher amount, and we don't want to put anyone in the position of going in and out of a housing situation. And so we are going to build in an ability to have some flexibility. But, again, when we get into the March and April shoulder season, we would expect to see that number decrease as, you know, in terms of the availability of hotel rooms for other people than the ones that we're housing under the program.

REP. LEISHMAN: Follow-up.

CHAIRWOMAN UMBERGER: Yes.

REP. LEISHMAN: Thanks, Madam Chair. It would seem to me if you're filling up these hotels and motels during the off season that that rate should carry forward consistently, because you're providing that funding to keep those rooms full, even though there may be a week, you know, in the February school vacation. I would think would be advantageous for those facilities to have their rooms full for the entire winter.

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MR. CASWELL: Yep.

REP. LEISHMAN: And keep the rate pretty constant. That would be certainly my hope.

MR. CASWELL: I absolutely agree with that. But I think, you know, we -- we can't foresee that there would not be a situation where we would have to have, you know, a hotel that is willing to switch people out. I don't necessarily want to put ourselves in that position. I want to be able to continue to have them house those individuals for a period of time where this goes above a loose cap, let's say, a flexible cap. But, overall, yes, we -- our goal is to keep the overall spend rate on the program at 200 or less.

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

CHAIRWOMAN UMBERGER: Are there any further -- thank you. Senator Kahn.

SEN. KAHN: Thank you, Madam Chair. Uh -- following on the same tangent. The -- who is going to set that rate and is that the CAPS that are going to be responsible for whatever rate cap the GOFERR sets for reimbursement?

MR. CASWELL: Yes, Senator. So that's what's happening right now. So, bear in mind, this is not necessarily a whole new thing. There are people who are currently in hotels and they're being paid for under the ERA program. This is an extension of that program with guidelines that will include an effort to keep the per day/per night rate under \$200.

SEN. KAHN: Thank you.

CHAIRWOMAN UMBERGER: Are there any further questions? Seeing none. Could I have a motion, please?

** REP. LEISHMAN: Move the item.

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CHAIRWOMAN UMBERGER: Thank you, Representative Leishman.
Second. Senator Kahn. Will the Clerk please call the roll.

REP. EMERICK: Roll call on 423. Emerick votes yes.
Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: (Inaudible).

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: The vote being 10 to zero, FIS 22-423 passes.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: Turn now to FIS 22-224, also from the Governor's Office for Emergency Relief and Recovery dealing with Housing Stability Services. 424.

MR. CASWELL: Thank you, Madam Chair. So this item as I mentioned a moment ago, is in concert with the funding that we've requested for -- uh -- for the hotel situation. This is housing stability services. We will be working with New Hampshire Housing and the Community Development Finance Authority -- uh -- and sub awards to continue, in large part, programs that they already have operating that will allow us to expand and maintain service to these communities in our hotel and motel over the -- over the course of the winter to put them in a position for success for finding more permanent housing.

There are within there two -- two primary programs that deal with outreach and education to landlords and -- and then other programs to make sure that these populations are able to get connected to existing financial services, but also for mental health and SUD treatment. The total is 3.2 -- \$3.3 million.

CHAIRWOMAN UMBERGER: Uh -- are there any questions from the Committee? Seeing none. Could I have a motion, please?

****** SEN. GRAY: Move the item.

CHAIRWOMAN UMBERGER: Thank you, Senator Gray. Seconded by Senator Soucy. Will the Clerk please call the roll.

REP. EMERICK: Roll call on 424. Emerick votes yes. Representative Erf.

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REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: The vote being 10 to zero, FIS
22-420 -- 424 passes.

***** {MOTION ADOPTED}**

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CHAIRWOMAN UMBERGER: We now turn to FIS 22-425, also from the Governor's Office for Emergency Relief and Recovery.

MR. CASWELL: Thank you, Madam Chair. This final item is around \$2.2 million. This is a reallocation under the ERA-2 program. So as you heard me mention before, we've received a total reallocations around \$4.4 million. This is 2.2 of that that U.S. Treasury has provided. This funding will go directly into the existing ERA program. It is not exclusive to the hotel-motel funding that we just discussed. So this is just merely a reallocation. There were two items that you passed under -- one or two items that you passed under Consent that do the same thing for ERA and ERA-2. This one just came in just late so we wanted to make sure that we got it through. So this will go into the total pot of funding that's available under the existing ERA program.

CHAIRWOMAN UMBERGER: Are there questions? I do have one.

MR. CASWELL: Yes, ma'am.

CHAIRWOMAN UMBERGER: Um -- with this additional funding, will the rental assistance go beyond 29 December or 31 December, whatever that date is?

MR. CASWELL: I think what this does really is it gives us much more of a cushion in that time period. Um I -- I -- I don't recall the weekly amount that that is being spent at this point, but \$2 million is going to get us, I think, a couple extra days. We're doing about \$5 million a week in rental subsidy right now.

CHAIRWOMAN UMBERGER: So then what happens? What -- what happens to the families that we're providing rental assistance to?

MR. CASWELL: So -- so as we've just discussed, the people that are in that situation in hotels and motels -

CHAIRWOMAN UMBERGER: I'm not talking about the hotels and motels. I'm talking about --

MR. CASWELL: People that are in other programs where they're in a leased apartment or there's some other situation, they're -- we've been rotating people on and off that program since the inception of this program. So people have either time limitations as to how much time they can actually be eligible under the program or they -- they'll cycle in and out of a given apartment.

So in all of those cases, it is a bit of a constant transition. But, also, in each of these cases the CAPS and New Hampshire Housing are continuing to provide these services to help people find housing and in a lot of cases that's why they're leaving the program is because they are able to find a location somewhere in the state and -- and not have to be on the subsidy program. But, I think the fact is, is that at this stage for the rental subsidy program not related to hotels and motels is winding down at this point.

CHAIRWOMAN UMBERGER: So if I might. Um -- on the rental assistance side of it -- um -- are the CAPS expecting people to have to move out of apartments and into hotels and motels?

MR. CASWELL: That -- that is -- we're not -- I don't think we'll see a lot of that type of activity. We have other programs that we have in place for individuals and families that are caught in a situation where they have either eviction issues or other mental issues -- uh -- whether it's through funding that we have provided and you've approved through the Court system to mediate those situations in combination with the support services. You know, I think given the resources that we have available to us to continue to assist these families -- um -- that's really at the -- at the peak of the activity right now is continuing to provide those services.

CHAIRWOMAN UMBERGER: Okay. Thank you. Are there any further questions? Uh -- Representative Leishman.

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REP. LEISHMAN: Thank you, Madam Chair. So I just have one, I hope, simple question. Your explanation is a little lean and how many people are involved in these programs? Like your supportive staff and what's the cost of supporting these programs on the state or on the federal grant.

MR. CASWELL: So this program is administered by New Hampshire Housing and -- and then they work with the CAP agencies. In terms of the specifics on the administrative costs, I might ask Chase to give you that.

CHASE HAGAMAN, Deputy Director, Governor's Office on Emergency Relief and Recovery: Sure. Chase Hagaman, Deputy Director at GOFERR. That's a good question, Representative. The contract overall for rental assistance has effectively a cap on administrative costs. I believe it's eight and a half percent total split between New Hampshire Housing and the CAPS. And then when it comes to supportive services, there's a similar administrative cost that's goes -- that's built into those contracts. But as you might expect, a lot of the -- those kind of services are very personnel intensive, so a lot of it is staff costs to work in the case management setting specifically.

REP. LEISHMAN: Thanks.

CHAIRWOMAN UMBERGER: Are there any -- Senator Kahn.

SEN. KAHN: Yeah, thank you, Madam Chair. Just how many families are currently being served by this program? I mean, with one month left to go, I -- I'm sure they're going to be working hard; but to -- to make sure they don't hit the cliff. But how many people are we talking about? How many families?

MR. HAGAMAN: So, Senator, it's also a good question. Overall, the program has served over 25,000 households. From what I recall of the numbers, that's typically around, I think, 2500 families a week benefitting from this program, and then there are several hundred that are also in house -- in hotels and motels at this point, which is why this funding is coming before you today.

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Uh -- in terms of a specific set number every week, it depends, especially as New Hampshire Housing and the CAPS continue to process the applications that have come in as of the application pause on October 21st. So right now it's less, about weekly quote burn rate, but assessing the final population of applications that have come in. I -- I -- from what I recall, that was the average number of households on a weekly basis that were benefitting in some way from the program.

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

** REP. LYNN: So move.

CHAIRWOMAN UMBERGER: Representative Lynn moves. Senator Gray seconds.

REP. EMERICK: Roll call on 425. Emerick votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Gray.

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SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: The vote being 10 to zero, FIS 22-425 passes. Thank you very much.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: We'll now turn to FIS 22-426 from the Department of Employment Security.

RICHARD LAVERS, Deputy Commissioner, Department of Employment Security: Good morning, Madam Chair. Richard Lavers, Deputy Commissioner at the New Hampshire Department of Employment Security.

JUSTIN CUTTING, Division of Fire Standards and Training and Emergency Medical Services, Department of Safety: Good morning, Madam Chair, Members Committee. Justin Cutting with the Department of Safety, Safety's Division of Fire Standards and Training and EMS.

CHAIRWOMAN UMBERGER: Okay. Would you mind going through and just explaining what this -- what you're asking for?

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MR. LAVERS: Absolutely, Madam Chair. So the request before the Committee is to use two and a half million dollars approximately of State Fiscal Recovery Funds for a targeted Workforce Recruitment Program for our emergency transportation providers in the state. So the providers we're talking about are all licensed with the Department of Safety. It includes your ambulance providers. It includes your public fire departments. It includes some emergency medical service units that are in the private sector as well. So are about 300 employers statewide that are licensed to provide this service for emergency and non-emergency transportation. And what we're seeking to do is to add additional emergency medical technicians to their ranks.

Currently, we have about 2600 EMT certified and licensed individuals in the state. The Department of Safety has identified a shortage in that field, which then has a compounding effect throughout the health care delivery system. So when we don't have enough EMTs to be providing transportation for individuals, not only to get to our health care facilities in -- in an emergency situation, that's a problem, but it is also a problem when we don't have sufficient EMTs to provide that transportation between facilities. So from a hospital to a rehabilitation facility or long-term care facility. So this program would address that workforce issue in three ways, very targeted way.

It would first provide funding to those licensed employers to pay for the cost associated with EMT certification and licensure for individuals seeking that basic level of EMT certification and that would also pay that cost associated with certification for advanced EMT as well.

We would also provide funding to those employers to provide some relief on some of the wage pressures. Current practice right now is that such an employer would be reluctant to hire an individual prior to obtaining that basic level of EMT certification. This program would provide 50% wage reimbursement for those licensed employers during the four weeks of employment while they are obtaining that basic level EMT certification and licensure.

And as a third component, this program would also provide a recruitment and retention incentive to individuals to try to add additional people, again, who have that basic level of EMT certification and provide them with a thousand dollar payment upon completion of that EMT certification and sticking with that employer for six months.

So we're trying to do this in a very targeted way with these two and a half million dollars of State Fiscal Recovery Funds. However, we do feel that targeting this particular group within the health care delivery system will provide some much needed relief for these emergency transportation services throughout the health care system.

CHAIRWOMAN UMBERGER: Thank you very much. Are there any questions? Representative Erf.

REP. ERF: Thank you, Madam Chair. Regarding the training time period for which you're paying the wages or half the wages. My understanding the training programs tend to run like three months, not four weeks.

MR. LAVERS: So we're being very -- recognizing that we have a limited amount of dollars here, we're looking at providing that relief for the four weeks. And -- um -- looking at what the current constraints are in talking with that employer community, we feel that will provide sufficient relief on the wage side to allow that -- that hire prior to what is current practice right now. So it is limited to that four weeks while that individual is engaged in training.

In terms of the customary length of that training, I could turn over here to Director Cutting to talk a little bit about that.

MR. CUTTING: Thank you. Excuse me. Thank you, Representative. So some employers will -- their intent is to go out and recruit a group of individuals to receive this training and then --

CHAIRWOMAN UMBERGER: Excuse me. Could you --

MR. CUTTING: Yeah, my apologies. Certain employers intend to go out and recruit individuals to become employees, and then they are going to sponsor a specific condense class which puts it into that four or five week time frame. The typical time frame is three to four months, but that is a nights and weekend type of program, which I don't believe would fall under the wage reimbursement portion but would serve a lot of the small communities throughout the state.

CHAIRWOMAN UMBERGER: Are there further questions? Seeing none. Could I have a motion, please.

** SEN. BIRDSELL: Move to accept.

CHAIRWOMAN UMBERGER: Senator Birdsell moves to accept and Senator Soucy seconds. Could the Clerk please call the roll.

REP. EMERICK: Roll call on 426. Emerick votes yes.
Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Representative Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator, I'm sorry. Senator Morse.

SEN. PRESIDENT MORSE: Yes.

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REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: The vote being 10 to zero, FIS 22-426 passes.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: Thank you. Thank you very much. Okay. We now turn to FIS 22-427 from the Department of Administrative Services.

CHARLES ARLINGHAUS, Commissioner, Department of Administrative Services: Hi. Charlie Arlinghaus. I'm the Commissioner of Administrative Services. I'll try to be brief.

First of all, sorry it's late. This came up kind of last minute. As you know, our function on recruitment and retention is essentially ministerial. So a small number of people have these sort of payments throughout the state, none of whom work for me. Just throw that out there.

In looking at the implementation of this program, a couple of the agencies who have the larger bonus programs found anomalies and the urgency is dictated by winter maintenance. As

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you may be aware, winter is essentially upon us, and we need people to plow. There was a provision in the original language that excluded people who were out on leave -- out on extended leave.

It was determined operationally, and the departments will have details if you really need them; but essentially, you know, let's say you're out because you sprained your ankle and you're off on workers' comp for two weeks. Do we really not want you -- do we not want to retain you plowing?

If you're just coming back from maternity leave and you're missing out on the first month or so, we still want you onboard plowing a truck or whatever it is -- whatever it is that we need done. And so in doing so, this is essentially tweaking the language so there's not an automatic exclusion of a certain group of people who may have legitimate reasons for being out. And it allows a pro-ration of the -- of the amounts for those people. And that in discussions with the other agencies that are in this program, Safety and Corrections, et cetera, common language was identified. And then I know I got it Tuesday, and you gratefully accepted it coming forward. But it just makes the program more operational and it eliminates a minor glitch and allows to pro-rate.

CHAIRWOMAN UMBERGER: Thank you. Are there any questions for Commissioner Arlinghaus? Hm-hum. Yes, Representative Emerick.

REP. EMERICK: How -- how are the programs working? Are we retaining people? Is it seeming to work?

MR. ARLINGHAUS: I think we are. I think the proof -- I think it's too early to declare success because this is sort of the front end. What we really want to do is keep people through the -- for example, winter maintenance through the winter season. And I can tell you the answer to that when winter's over and people didn't leave, and so I think it's too early to say.

REP. EMERICK: Thank you.

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CHAIRWOMAN UMBERGER: Are there any further questions? I noticed Commissioner Sheehan nodding her head.

MR. ARLINGHAUS: I'm scared to look backwards.

CHAIRWOMAN UMBERGER: Okay. Only forward looking today. Okay. Are there any further questions? Seeing none. Could I have a motion to accept? Senator Gray, seconded by Senator Soucy.

REP. EMERICK: Roll call on 427. Emerick votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

REP. LEISHMAN: Yes.

REP. EMERICK: Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Morse.

SEN. PRESIDENT MORSE: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

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REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

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

CHAIRWOMAN UMBERGER: The vote being 10 to zero, FIS 427 passes.

***** {MOTION ADOPTED}**

MR. ARLINGHAUS: Thank you. Madam Chairman, if I could be inappropriate for a second. I'm speaking for myself, but I suspect most agencies would agree with me on this. I was distressed to hear that you were taking a sabbatical. And -- uh -- uh -- from the standpoint of those of us on this side of the table, I would say that you're unfailing professionalism, that your knowledge of operational details and your general good cheer has made Fiscal a pleasure, and so I appreciate it and thank you for your service.

CHAIRWOMAN UMBERGER: Thank you very much. Okay. Um -- I just want to make a couple of comments before we get to the Audits. And this has to do with the information items. So that folks understand that at least I have gone through and read them and am, you know, recognize when something is good.

I was glad to see that our health insurance is still solvent and going in the right direction. Um -- I also in -- on the -- in Department of Administrative Services, the quarterly status report -- uh -- I would like to say that um -- I did have some questions. The folks from LBA followed up with the agencies. And I would like to remind all of the agencies that it's much better to provide the information upfront than it is to provide the information on the back end. But -- um -- anyhow, thank you for -- for that report. Okay.

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REP. EMERICK: (Inaudible).

CHAIRWOMAN UMBERGER: Oh, yeah. Probably.

** REP. EMERICK: Madam Chair, I move that today's audits, as well as any -- any additional FY 2022 annual financial reports which become available prior to the end of the Calendar Year be accepted, placed on file, and released to the public in the usual manner.

CHAIRWOMAN UMBERGER: Seconded -- seconded by Senator Gray.

REP. EMERICK: We need to have a vote. Okay. This is the vote on accepting reports. Emerick votes yes. Representative Erf.

REP. ERF: Yes.

REP. EMERICK: Representative Leishman.

(Not present.)

CHAIRWOMAN UMBERGER: Stepped out.

REP. EMERICK: Okay. Representative Lynn.

REP. LYNN: Yes.

REP. EMERICK: Senator Birdsell.

SEN. BIRDSELL: Yes.

REP. EMERICK: Senator Gray.

SEN. GRAY: Yes.

REP. EMERICK: Senator Soucy.

SEN. SOUCY: Yes.

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REP. EMERICK: Senator Kahn.

SEN. KAHN: Yes.

REP. EMERICK: Representative Umberger.

CHAIRWOMAN UMBERGER: Yes.

REP. EMERICK: Madam Chair, the vote is 8 to zero.

CHAIRWOMAN UMBERGER: The vote being 8 to zero, the motion passes.

***** {MOTION ADOPTED}**

CHAIRWOMAN UMBERGER: Okay. Hm-hum. Did I forget something? No, I'll do it at the next one.

CHAIRWOMAN UMBERGER: Okay. My friends from the Audit Division. I understand you have all kinds of exciting things for us today that we can hardly wait on.

AUDITS:

STEPHEN SMITH, Director, Audit Division, Office of Legislative Budget Assistant: Good morning, Madam Chair, Members of the Committee. For the record, Steve Smith, Director of Audits for the LBA.

We're here to present, first of all, the financial audit that we did on the Department of Business and Economic Affairs for the nine months ended March 31st. Christine Young, Senior Manager with our office, was the in-charge on this audit. She will present our report. And also joining us from the Department is Commissioner Caswell will be available for questions.

CHRISTINE YOUNG, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant: Good morning, Madam Chair, and Members of the Committee.

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CHAIRWOMAN UMBERGER: Good morning.

MS. YOUNG: For the record, my name is Christine Young, and I will be presenting the report on our financial audit of the Department of Business and Economic Affairs for the nine months ended March 31st, 2022.

This report is presented in two sections. The first section is the Management Letter section prepared by the auditors, and it contains our report on internal control and compliance, along with 16 audit observations. And the second section, the financial section, contains our Independent Auditor's Report followed by the Department prepared financial statement and notes.

You will not find a section in this report containing the current status of prior audit findings, since the Department is a fairly new state agency established on July 1st, 2017, and this is the first time our office has conducted an audit of the Department.

The focus of my presentation will be on the Observations and Recommendations. However, we'd be happy to answer any questions you may have regarding any part of this report.

If you turn to the Table of Contents, the report includes eight Internal Control Comments, two of which are material weaknesses, and eight State Compliance Comments. The Department concurs fully or in part with all the findings. There are seven findings marked with an asterisk suggesting that legislative action may be required.

The discussion of the Observations and Recommendations begins on Page 3. Observation Number 1 is a material weakness.

CHAIRWOMAN UMBERGER: Excuse -- excuse me.

MS. YOUNG: Yeah.

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CHAIRWOMAN UMBERGER: On the -- you're recommending legislative action.

MS. YOUNG: Yes.

CHAIRWOMAN UMBERGER: Uh -- what do we have, two more days on the -- on the House side? And we have a little bit longer on the Senate side. Okay. But if something requires legislative action, Commissioner, you need to work with someone on the Senate side to -- to get that moving forward so that we don't end up forgetting it, so.

MR. CASWELL: I won't forget.

CHAIRWOMAN UMBERGER: Yeah. Okay. Fine. I'm sorry to interrupt.

MS. YOUNG: Oh, that's okay.

CHAIRWOMAN UMBERGER: But I wanted to make sure I got that out.

MS. YOUNG: Sure.

CHAIRWOMAN UMBERGER: So we're not running into a problem that can be blamed on the Legislature.

MS. YOUNG: Okay.

CHAIRWOMAN UMBERGER: Thank you.

MS. YOUNG: Observation Number 1 is a material weakness and it discusses risk assessment, which is one of the five recognized components of internal control. We recommended the Department establish and document a formal risk assessment process and review for indicators of risk exposure.

Observation Number 2 on Page 4 is also a material weakness, and it reports the Department did not pay invoices in a timely

manner resulting in non-compliance with State policies and \$1.2 million expenditure posting error in NHFirst.

Observation Number 3 on Page 6 discusses the need to perform and document a review and approval procedure for certain federal drawdowns processed by the Department.

In Observation Number 4 on Page 6, we recommended the Department strengthen controls over the processing of transfers of personnel expenditures to ensure the recording and reporting of complete and accurate financial information.

In Observation Number 5 on Page 8, we noted the Department was not in full compliance with State policy or the provisions of MOUs it entered into with certain State Agencies.

Observation Number 6 on Page 9 reports on weaknesses noted over the collection of revenues in the Department's Bureau of Visitor Services.

In Observation Number 7 on Page 11, we noted the Department has not established an IT plan, a disaster recovery plan, or business continuity plan which are critical to the Department's financial accounting and reporting process.

Observation Number 8 on Page 12 discusses instances where employees had NHFirst system access permissions that were outside the scope of their job responsibilities. Page 13 is the start of the State Compliance Comments.

Observation Number 9 reports the Department has not established a State Development Plan as required by statute. The plan is to identify critical issues facing the State, determine the State's priorities and limited resources, and collaborate with others on the physical, social, and economic growth and development of the State, among other things.

The next three Observations, Observations number 10 through 12 starting on Page 14, report on compliance issues that are frequently reported on in our financial audits, such as the need

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to adopt administrative rules, non-compliance with statements of financial interests, and the need to file statutory reports.

In Observation Number 13 at the top of Page 18, we note the Department has not established the Broadband Matching Grant Initiative according to statute, effective July 1st, 2021, to provide matching grants to Broadband providers and others to improve Broadband availability across the state.

Observation Number 14 on Page 18 reports the Department has not implemented the New Hampshire College Graduate Retention Incentive Partnership Program established in statute to raise awareness of an incentive available to college graduates.

Observation Number 15 on Page 20 discusses the COVID-19 Micro Enterprise Relief Fund, which was established in statute on June 25th, 2021, to protect the economic health and sustainability of New Hampshire entities with ten or fewer employees known as micro enterprises. The Department has not implemented or used the fund.

Lastly, Observation Number 16 on Page 20 describes some housekeeping issues regarding outdated statutes that should be reviewed to ensure alignment with the Department's organizational chart and accounting and reporting structure.

The financial section of the report follows with our auditor's opinion which was modified as a complete set of financial statements was not presented. A statement of revenues and expenditures is on Page 7, followed by the notes to the financial statement. We also included a one- page letter with a report. This is a required communication to governance to inform you that a material adjustment to the accounting records was proposed and recorded as a result of our audit.

That concludes my presentation. I'd like to thank Commissioner Caswell and his staff for their cooperation and assistance during the audit. Thank you.

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CHAIRWOMAN UMBERGER: Commissioner Caswell, do you have anything you would like to say?

MR. CASWELL: So Commissioner Taylor Caswell, BA, and with me is Rhonda Hensley who is our business office manager in her second -- second week on-the-job. So I -- I would just want to, first of all, thank the LBA for the period of time that they have spent with us. As Christine noted, we are a new agency in the -- in the world of State Government. And we have had a series of individuals coming and going through our administrative office, and so we're sort of continuing to build a system to move forward.

I would say that the experience that we have with the LBA was exceptionally helpful in terms of finding where we need to improve. And we're certainly already in many of these items I think we've already started or have addressed.

It's unfortunate that when you, and I know the Department of Energy has been through a similar situation where legislative becomes -- becomes effective on July 1st of the new Fiscal Year to start a new Department, and a lot of those pieces are not fully in place at that exact moment in time. And we don't -- we don't really have a guidebook, you know, how to start a new state agency. So we manage to, those first of couple of months, really sort of get these pieces put together and build an administrative system to support the policy initiatives of the Department.

So, overall, I just -- I mean, I would say thank you. I think we were -- we were pleased with the outcome of a lot of these -- uh -- Observations. And, as I said, we're already working to implement changes as we move forward.

CHAIRWOMAN UMBERGER: Okay. Are there questions? Yes, Senator Gray. Or sorry, no, Senator Kahn.

SEN. KAHN: We'll ask a question. Thank you, Madam Chair.

CHAIRWOMAN UMBERGER: Okay. No problem.

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SEN. KAHN: I do want to say something about the Graduate Retention --

MR. CASWELL: Yes.

SEN. KAHN: -- Incentive Program. It passed probably four years ago. And -- uh -- it had the endorsement of the Business Industry Association of the state. It's a "grow your own" program, essentially, to try to retain New Hampshire graduates from New Hampshire colleges and universities, yeah, in the state for future workforce employment needs. And it costs the State very little in that it's an employer driven incentive with the administration through the Department. I say that only as a refresher to -- that -- I -- I think the lack of application is because it was never promoted -- uh -- as an active program. So I -- I'd encourage and I'd be glad to continue to work with the Department to -- to re-ignite the partnership that was established around the passage of that legislation.

MR. CASWELL: Certainly, Senator. And, you know, I would say, you know, we worked together to get that legislation passed in the first place, and we did do some initial promotional activity. My recollection is that we all got Covid, sort of got in the way in the implementation of the promotional activities. And at that point in time it was, I think, pretty difficult to make it a huge priority given the response that our Department was involved with with COVID during those early months of 2020 and into 2021.

I think it is a good program. We have worked with the BIA and the BIA has new leadership in place. The program basically allows for businesses to provide a bonus to individuals who graduated from New Hampshire colleges and to have them -- those businesses that agree to do that be promoted by the Department on our website and interactions with our staff. So it's not necessarily a huge lift to get that set up. I think the challenge continues to be getting the businesses to do that. And we'll -- we'll be working to sort of continue to move that program.

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SEN. KAHN: Okay. Thanks for the response.

CHAIRWOMAN UMBERGER: Thank you. Are there any further comments, questions? Thank you very much. Excellent job. And we'll move forward. Appreciate it.

MR. CASWELL: Thank you, Madam Chair.

CHAIRWOMAN UMBERGER: We now turn to the audit on the Board of Dental Examiners, Office of Professional Licensure and Certification.

MR. SMITH: Thank you, Madam Chair. This next report is a Performance Audit Report on the Board of Dental Examiners, in addition to significant dive into the Office of Professional Licensure and Certification. The in-charge on this audit it was Steve Grady, Senior Manager from our office. And joining us from the Board is Dr. Kochhar. And from OPLC is Executive Director, Lindsey Courtney. I'll turn it over to Steve.

STEVE GRADY, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant: Good morning. For the record, I am Steve Grady, the in-charge auditor for the Dental Board Performance Audit. The audit assessed how efficiently and effectively the Board administered the regulation of dentistry and dental hygiene in State Fiscal Years 2019 and 2020.

When they directly affected Board operations, we also examined matters outside of that period as well as OPLC and other agencies' management controls. I will be summarizing the report.

CHAIRWOMAN UMBERGER: Thank you.

MR. GRADY: You're welcome, ma'am. The Executive Summary starts on Page 1. There we conclude the Board lacked adequate controls to ensure consistently achieved expected outcomes and that it did so while complying with laws, rules, and other requirements. The Board was to protect the public health,

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safety, and welfare from unqualified, unscrupulous, or impaired dentists and hygienists through three primary functions; credentialing, monitoring, and enforcement. However, the Board's regulatory program was largely subjective, credentials that did not meet statutory or other requirements were nonetheless issued. Ongoing credential holder qualification was ineffectively controlled and monitored. Some seemingly significant requirements were actually perfunctory and enforcement cases were inconsistently managed and resolved. Some matters were dismissed because of insufficient support, not because the Board had objectivity established non-compliance did not occur.

The Board lacked controls over its own compliance with requirements. It engaged in extra legal and extra jurisdictional activities, including improperly delegating its discretionary decision-making authority, creating credentials and subordinate entities without statutory authority, engaging in broad ad hoc rulemaking, and failing to implement State policy. Board ineffectiveness was underpinned, in part, by inconsistent support from other agencies, notably the OPLC. Insufficient OPLC management controls adversely affected Board operations in several ways.

There was no accountability framework to ensure OPLC provided services that were acceptable, and that substandard service delivery was remedied. Records were poorly managed. Controls were poorly understood. Many Board actions were unauditible. Consequently, we were compelled to qualify our use of and our conclusions resting on Board records and attestations.

Our recommendation summary follows on Page 5. Of the 36 Observations, 33 contained Board recommendations. The Board concurred with 22 and concurred, in part, with 11. Board recommendations primary focus on it ensuring expected outcomes are achieved, rationalizing its regulatory program, actively controlling the three primary functions, complying with laws, rules, and other requirements, controlling subordinate entities, and controlling the quality of OPLC services.

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Ten observations contain OPLC recommendations that focus primarily on establishing an effective control framework, complying with laws, rules, and other requirements, and ensuring quality services are provided to supported agencies. OPLC Management concurred with all ten.

Twenty observations contain either legislative suggestions or elements that may require legislative action depending upon how the responsible agency remediates the identified defects. Legislative suggestions include increasing the number of public Board members, further clarifying the OPLC Board relationship or compelling them to do so by a date certain, structuring interagency accountability, and determining whether a fundamental change to the State's approach to regulating occupations is warranted.

Current Board members and OPLC management did not create all of the defective controls we identified. Many defects were long-standing. Nonetheless, current members and management were responsible for efficiency and effectiveness. It will likely take the Board several years to address the Audit's recommendations and develop and implement an effective regulatory program objectively shown to efficiently achieve expected outcomes.

Integration of Board and OPLC controls to help remediate some defects and gain positive control over Board operations has reportedly begun. However, whether, how, and when the Board will remediate other defects is inconsistently clear.

The Board inconsistently recognized limitations on its authority. It disagreed with the need to follow some fundamental State policy requirements. Consequently, we suggest the General Court consider how expanded oversight could help ensure the Board effectively carries out State policy and that it complies with the limitations imposed upon it as it does so.

I would like to thank Board, members of subordinate entities, OPLC management and staff, and numerous stakeholders for their assistance during the audit. Unless there are any

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questions of me, I'll be followed by the Board President, Dr. Kochhar, and then by Lindsey Courtney, the OPLC's Executive Director.

CHAIRWOMAN UMBERGER: Go ahead.

DR. PUNEET KOCHHAR, President, New Hampshire Board of Dental Examiners: Good morning, Madam Chair, and Members of the Committee. I'm Dr. Puneet Kochhar, President of the New Hampshire Board of Dental Examiners. I just want to thank you guys for letting me speak to address the LBA audit.

The Board does take its responsibility to protect the public very seriously. The fact of the matter is that none of the Board members are an attorney so, you know, we count on support, legal counsel, for any legislative changes that come up. But that being said, the Board was working on the current rules in place, the current legislative statutes in place, so the Committee's -- the LBA Committee's report was an eye-opener. So we were working -- we were hardly working on what we had, but since we have enough reading material here, I think, for a few weeks or months, this is now that we realize, okay, now we know better so we got to do better. So like Steve pointed out, the Board is already working on figuring out how we're going to incorporate all these recommendations. It will be a several years project, no doubt, and it will require resources from OPLC. It will require legislative changes that the Board would reach out to maybe the Committee Members or other people who can give support for those legislative changes to be made and then we'll go from there.

So I'm not going to address every Observation because I don't want you guys to spend all your day here; but if you have questions, I'll be happy to answer.

CHAIRWOMAN UMBERGER: I would just like to say that don't feel that you were picked on. Um -- this is probably one of our first audits in OPLC; is that correct?

MR. GRADY: (Inaudible.)

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CHAIRWOMAN UMBERGER: Okay. Okay. Yeah. Yeah.

MR. GRADY: Can you hear me now?

CHAIRWOMAN UMBERGER: Yeah.

MR. GRADY: Great. We conducted several audits in 2017, which was about two years after the OPLC was created in 2015. But since 2017, this is the only performance audit we've conducted of an OPLC assigned agency.

CHAIRWOMAN UMBERGER: Yeah. So we've had a lot of changes at OPLC during that time. And so, you know, there'll be -- there'll be other boards that will be looked at in the future. Okay. So you're just coming up initially.

DR. KOCHHAR: Sure.

CHAIRWOMAN UMBERGER: Okay.

DR. KOCHHAR: Yes.

CHAIRWOMAN UMBERGER: All right. Thank you.

DR. KOCHHAR: Thank you.

MS. COURTNEY: Do you want to swap? Thank you, Dr. Kochhar. Oh, thank you. Good morning. For the record, Lindsey Courtney. I'm the Executive Director of the Office of Professional Licensure and Certification.

Um -- just wanted to start out briefly by thanking members of the auditing team for their work in assisting us in identifying a lot of the issues that we've been aware of or at least I've been aware of since starting in 2019, but articulating it in a fashion that I think will help us move forward. It was a long process. So I really appreciate the work, as well as the work of the Board, in cooperating and collaborating with this process.

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OPLC completely concurs with all of the findings in the audit, and I think the one thing that I would note is that while this audit is specific to the Board of Dental Examiners, the Board of Dental Examiners is not unique, and OPL -- and the concerns raised in the audit with respect to OPLC support of the Board of Dental Examiners is also applicable to all of the other regulatory boards.

The experience that OPLC has been quite interesting for me in the last two years or three years, almost three. There are problems that we identify literally every day. So I wanted the Committee to be aware of that. That this -- that while this -- we are looking at the audit through the lens of the Dental Board, it does -- you can really apply it to all of the support that OPLC provides to all regulatory boards.

I could go on for a long period of time as to what I think the causes of some of these issues are, but I will not do so. But I will say that I think one of the primary issues as to why OPLC has not rectified its primary problem of having a lack of internal controls throughout the agency is that it was not a priority at the agency, at least for the first several years of its inception.

I can commit to you and say to you that that is not the case today. Um -- we have made establishing internal controls the number one priority at the agency. We have put that as part of our strategic plan and I had hoped to have copies of our strategic plan for you today; but, unfortunately, we had some printer problems. Maybe that's an internal controls issue. I don't know. Mr. Grady, would you tell me? But, in any event, I can commit to you that we are committed to resolving the issues identified in the audit so that we can fully support the licensing boards the way we were designed to do so.

Our implementation of our strategic plan, which is intended to remediate the audit findings, will likely take several years. Again, as I noted, while these issues are specific to the Dental Board, they apply to all boards.

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Some of the initiatives that we're currently undertaking right now is just conducting an inventory of all of our statutory regulatory requirements. I'm sure it does not surprise most of you that if you put all of our statutes and practice acts in one Word document it's well over 2,000 pages. That's a lot for one agency to inventory, in addition to all the regulatory requirements. That's just one aspect of one of the things that we were doing. Um -- I could go on for days about the other things that we're doing but I won't.

I'd be happy to answer any questions you may have. And I'm also happy to circulate our strategic plan to the Committee after this meeting.

CHAIRWOMAN UMBERGER: Are there any questions? Yes, Senator Soucy.

SEN. SOUCY: Thank you. I just wonder if you or the Doctor could just identify what are the two or three key findings that might be acted upon most quickly or that were most troubling and need to be acted upon most quickly?

MS. COURTNEY: So I think the answer to that question is going to be different for OPLC versus the Board. I can say for the agency -- um -- most -- I -- the biggest challenge at the agency, and I -- I don't know, maybe Dr. Kochhar will agree, is the lack of clarification between Board authority and responsibility versus OPLC authority and responsibility.

Um -- when OPLC was created, much like Commissioner Caswell mentioned, it was created overnight and I actually think the budget was retroactive that year so it was in effect without actually being in effect. The culture surrounding occupational licensing was not really supportive of the agency's creation and that's something that has really impacted its ability to effectively implement its statutory requirements. It's not just a legal change, it's a cultural change. That takes a long time. That, coupled with the fact that there's probably some lack of management going on and maybe some decisions not made that, you

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know, to the best -- the best decisions that could have been made I think has contributed to this issue. But there certainly is a lack of clarity in the legislation, which is why OPLC partnered with, I believe it was Senator Carson last year. We sought a statutory change to or -- to create a study committee to study the issue. That passed. So thank you.

Senate Bill 330 established a study committee. The Committee released its findings, I believe, two weeks ago, stating definitively that yes, there needs to be clarification in providing a roadmap as to how we're going to do that. So I do believe that's something the Legislature or those Committee Members are interested in pursuing this legislative session. It will probably be the fastest solution to one of the larger challenges we have.

SEN. SOUCY: Thank you.

DR. KOCHHAR: So I guess we identify the issues differently. One would be the functioning like Lindsey pointed out, okay, that's the internal functioning. One would be on the -- on the Board's performance where the Board can adequately deliver the job it's been tasked to. Is -- is support in the past DOJ was not able to provide the Board support. So that was an issue. OPLC had a tremendous amount of staff turnover. It was like we didn't know who was coming and who was going. So that was an issue. That has settled down because the Enforcement Division has been created by OPLC. We are not relying on DOJ anymore. So that's a better thing. The Board did not have an investigator for quite a while. Finally, when we had an investigator, the agency prior to OPLC had not floated an RFA so that was debunked. We could not use that investigator anymore. We had to start over again. So that was the Board's, I would say the investigation side, the complaint side.

Now from a licensee's perspective or the public protection perspective, the biggest issue we're facing right now is -- is sedation. That's the biggest issue because we -- that was one of the findings that came out from the report and that was the first thing that the Board acted on. So, again, an RFA was

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floated. We identified the people. But, again, they are still not ready in the pipeline to go out and do the investigations. The Board is trying to create a Committee where which we would seek, again, legal support, legislative support for it, because the LBA audit prefers everything be done legislatively which is going to take us even longer.

So we warn that, okay, if nobody's going to go out and do a sedation evaluation or a sedation exam, who is making up that exam? What does that person being tested for? It should be uniform everywhere. It should not be left to the examiner. So the Board is working on securing that and figuring that out. So that is the perspective the Board has from a licensee and a public standpoint. So those are things we are working on.

So I think we are waiting for the sedation people to be in the pipeline so they can go out and at least do that. So those are the biggest requirements right now.

SEN. SOUCY: Thank you, Dr. Kochhar.

CHAIRWOMAN UMBERGER: Representative Leishman.

REP. LEISHMAN: I do appreciate -- oh, thank you, Madam Chair. I do appreciate the Doctor's "will do better" comment, but several hundred pages into the document, and the LBA folks, you do an awesome job, but there was a note about criminal background checks. To me, that seems kind of up -- should be up there that hasn't been conducted on hundreds of applicants. Is that something you're going to focus on?

DR. KOCHHAR: So the criminal background checks have been started. When it was passed, the Board actually had asked OPLC to help support legislation to get criminal background checks because when the Board was doing their rules check we would say if I as a parent has to escort my child for any field trip, I need a criminal background check. How can we have a provider in the state who doesn't get a criminal background check. That was passed but every time the Board reached out to OPLC to see whether that had been set in place, we were told that the ball

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is rolling. The resources are not in there yet. They are still working on it. They have to work with the state. So nothing happened. And then Covid hit so everything was on pause. But now it's in place. The people who -- who are now applying for licensure are going through criminal background checks.

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

CHAIRWOMAN UMBERGER: Are there any further questions? Yes.

REP. EMERICK: Speaking to all the RSAs that deployed OPLC, there's an opportunity, if I'm continuing in Division I which I have in the past and you've been -- we've met, you have an opportunity in the budgeting process to suspend regulate -- RSAs in HB 2. So if you've got a burdensome level that you can't comply with all of them, rather than getting an audit to saying you're not complying, you can request that these be suspended for two years as part of the budgeting process just to take some of the heat off.

MS. COURTNEY: Thank you. That's very helpful. I -- I think one of the challenges and that may prove to be useful, one of the challenges is that our Board practice acts with the exception of criteria specific to a particular licensure, they all kind of say the same thing but in different ways. So you could suspend it, but you need to make sure that we have the authority elsewhere. It's kind of like building a plane while trying to fly it. You know, it would have been nice, you know, if there was clear statutory authority in one statute, and then that all of the practice acts refer to that statute. Instead, discipline is set forth in each practice act in a slightly different way, and we're required to implement it in a slightly different way for all boards, which is anything but efficient.

So that is -- those are some of the issues that were identified with the Committee established by 330, and we are going to be, you know, collaborating working on pursuing legislative changes on that. But thank you. That is something I wasn't aware of. So I will certainly keep that in mind, Representative.

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CHAIRWOMAN UMBERGER: Are there any further comments?
Seeing none. Um -- it's quarter to 12. Amazing. We're getting
out of here so early. But that's because I asked
Mr. -- Commissioner Caswell will be filling up some time on the
second. So, anyhow, is there any further business I need to
worry about? All right. Then the meeting is adjourned.

(Meeting adjourned.)

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 is a correct transcript from the
official electronic sound recording of the proceeding in the
above-entitled matter to the best of my professional skill and
ability.

Cecelia A. Trask, RMR, CRR
NH Licensed Court Reporter #00047

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