

**JOINT LEGISLATIVE FISCAL COMMITTEE**

Legislative Office Building, Rooms 210-211

Concord, NH

Friday, February 21, 2025

**MEMBERS PRESENT:**

Rep. Kenneth Weyler, Chair

Rep. Keith Erf

Rep. Mary Jane Wallner

Rep. Peter Leishman

Rep. Gerald Griffin (Alt.)

Sen. James Gray

Sen. Sharon Carson

Sen. Regina Birdsell

Sen. Cindy Rosenwald

Sen. David Watters

(The meeting convened at 11:03 a.m.)

**(1) Acceptance of Minutes of the January 30, 2025 meeting**

KENNETH WEYLER, State Representative, Rockingham County, District #14: Good morning. It being 11 o'clock, thereabouts, we'll call the Fiscal Committee meeting to order for February 21st, and first item on the agenda is acceptance of the minutes of January 30th.

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

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

CHAIRMAN WEYLER: Motion by Senator Gray, second by Senator Birdsell to accept the minutes. Is there any further discussion? Seeing none. All those in favor say aye? Opposed no? The minutes are adopted.

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

(2) Old Business:

CONSENT CALENDAR

(3) RSA 9:16-a, Transfers Authorized:

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

CHAIRMAN WEYLER: There is no Old Business. And there is a Consent Calendar covering Tabs 3 and 4. There are 12 items -- no, there are not 12 items on it. Under Tab 4, 25-040 was removed by the Department of Education. And there is a request for discussion on 25-057 under Tab 4, Department of Transportation. The rest of the Consent Calendar is at your disposal. Is there a motion?

\*\* SEN. GRAY: I'll move the Consent Calendar.

DAVID WATTERS, State Senator, Senate District #04: Second.

CHAIRMAN WEYLER: Motion by Senator Gray, second by Senator Watters to accept the rest of the Consent Calendar. Is there any further discussion? Seeing none. All in favor say aye? Opposed no? Consent Calendar is adopted.

\*\*\* {MOTION ADOPTED}

SEN. GRAY: Mr. Chair, just to comment on 25-057, is that part of that is IT that I want to talk about. So although Transportation is involved, they may also want to be sitting at the table when we talk.

CHAIRMAN WEYLER: Director Goulet is present. I'm sure he's ready to answer any questions.

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SEN. GRAY: I just didn't want him to make it to the door before -- (Laughter).

CHAIRMAN WEYLER: Department of Transportation is -- is -- uh -- requested a presence here for answers to FIS 25-057 at the end of Tab 4.

DAVID RODRIGUE, Assistant Commissioner, Department of Transportation: Good morning, Mr. Chair, and Members of the Committee. For the record, my name's David Rodrigue, Assistant Commissioner and Chief Engineer for the Department of Transportation.

CHAIRMAN WEYLER: Welcome. Senator Gray.

SEN. GRAY: My question is about the 2.5 million because we're going out, we're buying a system, we're buying other things, and that's like, you know, 750 million or 750,000. But then I've got this 2 million plus that looks like I'm hiring consultants to do it. And, normally, I would see that I'm going to save money by buying a computer system that's going to do X, Y, Z; but then when I see this high personnel cost, I don't understand it. I want to understand it.

MR. RODRIGUE: Yes.

SEN. GRAY: And I'm going to give you both the opportunity to talk.

MR. RODRIQUE: Well, thank you so much for that question and the opportunity to explain it. What -- what this grant is all about and what this project is all about is not one computer system. The DOT from the time we plan a -- a project, design a project, advertise it for construction, construct the project, and then take all the information from that project into our systems to maintain and operate the -- our infrastructure and assets through the long-term life, we have many, many, many different systems. Some are paper, some are electronic, and so forth.

So a few examples. Surveyors go out with surveying instruments and get information into a computer database. That database then feeds a different design system. What we use today is called an Open Road System. That's a Bentley product. That's what we use to design on. That information then goes to the contractors who have computer automated instruments on their equipment that helps them to build the project. We then create as-builts, and then we take that information for things like pipes, guardrail, and others into an asset management system. So what we have is many different systems. Some work well together today, some don't work so well together today.

What this project does is lets us look at all those different systems, establish standards, data standards, so we can start to get these systems to work together and coordinate together to be more efficient and more effective.

CHAIRMAN WEYLER: Follow-up.

SEN. GRAY: Well, the line item that the \$2.405 million is in is consultants.

MR. RODRIQUE: Yes.

SEN. GRAY: And so is it a consultant for you guys? Is it a consultant for IT? What am I saving because I'm spending \$2 million on consultants? How much am I saving to get so that it makes sense to spend that 2.4 million?

MR. RODRIQUE: Right. So the only way we can do this work today with our current resources and our current knowledge is with consultants. There is a huge amount of work and expertise to look at this -- these disparate systems and work with those vendors to establish a standards that lets us collect and maintain the data consistently throughout the entire process. It's really a lot of leg work and a lot of documentation of our standards that we're setting up to help us be more efficient and effective in the long run.

This is all part of what we call building information modeling or building information management. It's been used in vertical construction for many years. Transportation or horizontal construction has been using it for the last 20 or so years, and we're getting better at it. New Hampshire is in the middle to maybe a little bit behind the pack for the rest of the DOTs across the country. This grant will help us catch up and set up our systems to help us be most effective for the next ten or more years. It will take us ten or more years to get to the end of this.

The other thing the standardization does is helps us very much with -- with our attrition, and helps us work through as we lose people and bring new people on, it makes sure we have a very well-documented system that's easy for everybody to follow. So the majority of this work is consultant driven. It's in documenting standards and putting processes in place to help us be more effective.

SEN. GRAY: So is this a one-time cost and I'm not going to see it in your budget when you come before me in a couple of months? Or is this an ongoing cost for consultants and, again, go back to what I asked before is what's this going to save me?

MR. RODRIQUE: Right.

SEN. GRAY: If it's not going to save me, I'm wondering why I'm doing it.

MR. RODRIQUE: So -- so what it's -- I'll take the question of what it's going to save you first. What it's going to save you is making our systems more efficient. So our survey system speaks better to our design system that then speaks better to the contractor's system that they use to control their -- their equipment, their automation, that all works off of satellites and GIS, so forth, and then helps us collect that information or use that information into the future as we maintain that asset. So we know, for instance, what piece of guardrail is where and

what type of guardrail it is. Right now we have to collect that as -- as a separate effort.

Once we have this system in place, there's no additional collection. Everything flows through the system automatically. So that's the -- the savings. It also when we don't do that the best these days for asset management, so this will help us improve our asset management capabilities and reduce our overall life cycle cost of our assets.

The reason we need consultants to do it, one is because they have the expertise. We've chosen and we're in the process of finalizing a selection of a contractor or a consultant that has national expertise with this. And the other reason is we don't have the people in the house to -- to do it.

When we work with a consultant on a project like this, I like to say we want them to teach us to fish, not give us a fish. So to answer your question, are we going to do this same thing again and -- and bring it before your Committee? No, we are not; but, overall, this is an evolution. So we're taking the first five or six very big steps with this -- with this consultant. We will continue to refine our systems and make them better in the future.

CHAIRMAN WEYLER: Follow-up.

SEN. GRAY: We still haven't hit the thing of how much I'm going to save. Okay. Certainly, outside of this meeting, I'm going to ask you for where I'm going to save them, where I'm going to see those line items reduced in the budget that comes to me from the House. Um -- so, again, right now, what I'm going to spend \$3 million, seven hundred, almost 800,000 on the equipment and stuff, and then 2.4 million on the people. Where's the savings? How much?

MR. RODRIQUE: Right. And -- and I don't have that in a per dollar item. I don't expect that you're going to save that in the budget that we're going to bring forward to you. I do expect

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in the long-term the -- the State is going to save considerably by the increased efficiency that -- that this brings. I'd be happy for you to -- to or I'd be happy to share some information about this system with you offline so we can get in more details.

When they talk about the savings in this, they talk about efficiencies of 10 percent here and 15 percent here. And I'd rather have some of that documentation to share with you specifically.

CHAIRMAN WEYLER: Follow-up.

SEN. GRAY: Return on investment is not a new concept.  
And --

MR. RODRIQUE: No, sir.

SEN. GRAY: -- when you come in and spend \$3 million and 2.4 of that is on consultants, it makes me wonder what the return on the dollar is. So I've got to vote on this today.

MR. RODRIQUE: Yes.

SEN. GRAY: Okay. Which makes it difficult for me, so.

MR. RODRIQUE: I -- I hear you and I'm sorry to -- to put you in the position of having to trust me that this helps us to make our operation significantly more -- more efficient, and that's what I'm asking you to do.

CHAIRMAN WEYLER: Representative Erf and then Senator Carson.

KEITH ERF, State Representative, Hillsborough County, District #28: No, no. I --

CHAIRMAN WEYLER: Oh, you're all set? All right. Senator Carson for a question.

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SHARON CARSON, State Senator and Senate President, Senate District #14: Thank you, Mr. Chairman. Good morning. I have two questions. Is this project a high priority for you, for the Department?

MR. RODRIQUE: For me personally this project is a higher priority -- a high priority. This is where we need to go. Today our CAD specialist, Bill Caswell, has 40 years with the Department. He has been involved in our CAD system since it started in 1987. He is a leader in New Hampshire and around -- he's with us for a very, very short time. This project documents everything that Bill knows our current practice and takes us forward to where we need to be in the evolution of how we design our -- our roadway. So it is a very high priority.

This is a federal grant. This is -- we will not have this opportunity that I know of in the future with State funds or with Federal funds that we are putting towards our construction projects. That's -- that's what we do in here.

To Senator Gray's point, we want to give you a return on our investment. So we try to put all our money right towards the maintenance operations and reconstruction of the road. This is an opportunity to move ahead from a process perspective and a technological perspective.

SEN. CARSON: May I?

CHAIRMAN WEYLER: Follow-up.

SEN. CARSON: Thank you, Mr. Chairman. When is the timeline on this? When do you expect to start and when is this project going to be finished?

MR. RODRIQUE: We expect to start this year and it's a three to four year duration.

SEN. CARSON: So may I follow-up?

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CHAIRMAN WEYLER: Follow-up.

SEN. CARSON: So in speaking to Senator Gray's point, we're not going to see any real return from this until four years out.

MR. RODRIQUE: We -- every -- there will be steps along the way that we will see benefits and improvements as we document our standards better along this -- this new process, makes our communication with private surveyors, with engineering consultants, and with contractors better and better all the time. So we'll see some -- some step improvements.

SEN. CARSON: Thank you. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Any other member of the Committee? Senator Rosenwald.

CINDY ROSENWALD, State Senator, Senate District #13: Thank you, Mr. Chairman. Was this a competitive grant?

MR. RODRIQUE: This was a competitive grant.

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: So when you tell us efficiency that either means the project will be done quicker or fewer people will be required. That's -- that's what we're expecting to see. Perhaps not immediately; but hopefully long-term you'll be able to definitely say this is as a result of the system.

MR. RODRIQUE: And I am confident we will deliver those two -- two things. And the third thing that -- that these systems provide for us is an overall lower life cycle cost of our assets as we keep better track of them and as we manage them best for the longest serviceable life.

CHAIRMAN WEYLER: Thank you. Further?

**\*\*** SEN. GRAY: I'm -- just so everybody knows where I am. Okay. This is federal dollars. I am going to make a motion at the end of this, you know, for acceptance, but I will be wanting additional information when you present your budget before the Senate that tells me how I'm saving, you know, money because I'm spending this money. And, with that, I will move the item to approve it.

CHAIRMAN WEYLER: Who was the second? Senator Rosenwald. Okay. Senator Gray moves to accept 25-057 and Senator Rosenwald seconds. Is there any further discussion on the item? Seeing none. All those in favor say aye? Opposed no? The item is adopted.

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

SEN. GRAY: And, Commissioner Goulet, I'm sorry you didn't get a chance to speak. But --

#### REGULAR CALENDAR

- (5) RSA 9:16-a, Transfers Authorized, RSA 9:16-c, Transfer Of Federal Grant Funds, 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 9:17-a, III, Limitations:

CHAIRMAN WEYLER: Okay. Moving on to Tab 5 on the Regular Calendar, and that's Item 25-054. That's the Department of Health and Human Services. Any questions on the item? Senator Rosenwald.

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: See Finance Officer Gray -- White will come forward. I got the wrong color there for a minute.

SEN. ROSENWALD: Thank you, Mr. Chairman. Good morning, Nathan. Um -- I think I understand why there was extra money in

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the managed care lines, but I'm wondering if you could tell us why there's this \$16 million shortfall in the Children's Health Insurance Program? Is it more kids that didn't fall off the program or is it sicker kids or a combination? That just seems like a really big amount.

NATHAN WHITE, Chief Financial Officer, Department of Health and Human Services: Sure. Nathan White, Chief Financial Officer, the Department of Health and Human Services. I'm going to have Henry Lipman talk about some of the trends that we've seen. I do want to point out though that in the past for the last State Fiscal Year, we also had to make a similar transfer in this area to the CHIP Program.

HENRY LIPMAN, Medicaid Director, Department of Health and Human Services: So, historically, the Children's Health Insurance Program – and for the record, by the way, Henry Lipman, State Medicaid Director – we -- um -- deduct separately have a line item for Children's Health Insurance Program. It was mixed into the Medicaid Managed Care. We started to budget it separately so we could track it better. Then the pandemic kicked in and enrollment, with continuous enrollment affected the -- because that happened after we budgeted for it. And so we've been between that and now there's continuous coverage. The federal requirement started January 1 of '24 to cover kids for 12 months continuously.

The assumptions that we had, you know, in beginning to break out that component, we're sort of chasing that. I think as we prepare the 26-27 budget, we now have the experience and understand the budget better; but the dollars, if you will, had -- that we budgeted in the entirety of the Managed Care Program were adequate to cover. It's just distributing it between the lines. That's what's going on here. And we'll have a better accurate distribution as we go forward.

CHAIRMAN WEYLER: Follow-up.

SEN. ROSENWALD: Thank you. But aren't children all fee-for-service?

MR. LIPMAN: No. Children are -- nearly all our children that are in the health insurance component, they're covered by managed care as well.

SEN. ROSENWALD: And one more if I could. Um -- when we see your budget -- um -- are we going to see a truer, more -- I mean, you're going to account for this \$32 million?

MR. LIPMAN: Yes. I think we won't have the Public Health emergency distortion of three and a half years of continuous enrollment. We won't have the new federal policy coming in. All those things affected the accuracy of our budgeting -- um -- and but in the aggregate we got it very close.

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: Further from the Committee Members?

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

SEN. BIRDSELL: Second.

CHAIRMAN WEYLER: Senator Gray moves approval, Senator Birdsell seconds to adopt FIS 25-054. Is there any further discussion? Seeing none. All in favor say aye? Opposed no? The item is adopted.

\*\*\* {MOTION ADOPTED}

**(6) RSA 216-A:3-g, Fees for Park System:**

CHAIRMAN WEYLER: Moving on to Tab 6. Looking at the 25-047, fees for the parks.

PETER LEISHMAN, State Representative, Hillsborough County, District #33: Mr. Chairman.

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CHAIRMAN WEYLER: Representative Leishman will have a question. Introduce yourself.

JACE WIRTH, Mountain Manager, Division of Parks and Recreation, Department of Natural and Cultural Resources: Good morning, everyone. Jace Wirth, General Manager at Cannon Mountain-Franconia Notch State Park.

CHAIRMAN WEYLER: Thank you for coming.

REP. LEISHMAN: Thank you, Mr. Chairman, and thanks for taking my question.

So in the letter that we received on January 31st roughly, it talks about a slight adjustment and a moderate rate increase in off-season and cost. And I was a little puzzled. Maybe I've been looking at numbers too long in the last couple of days, but looking at your Tier 1 and Tier 2 and Early Bird, the top of the second page, I'm not quite following that. I see that the Winter 24-25 is 799, and then it says Early Bird 799, off-season 899, and then over to in-season, 999. Is that the increase, the 999 for off-season or in-season purchase?

MR. WIRTH: It's a little bit more complicated than that. First of all, on the menu that you're looking at, you're looking at two sets of prices for two different seasons.

First of all, under is the tab Winter 2024-25, and then with columns in Tier 1 and Tier 2, those are the prices for this current season's winter season passes. And you can see the date ranges in which those past prices are in effect and that's what essentially what we mean by tier.

The proposal on this next winter season's passes is under the tab Winter 2025-2026. There's just some nomenclature change to the -- to the tiers. You know, first of all, what I'm calling Early Bird is essentially the same as Tier 1. And it be important to note that as part of the proposal I'm -- I'm

proposing a price freeze when we go out to market for next season's winter passes. I want to keep all passes at exactly the same price.

Um -- secondly, the off-season tier is -- it's expanded somewhat. I would seek to initiate that price on May 1st, and run it all the way through November 28th of next year which is when our anticipated opening date will be. And then I think importantly is I -- I have advocated and proposed to this Committee the creation and delineation of a third tier for us called in-season. In-season passes are presently sold at Cannon Mountain for sure, and they essentially occupy what is presently our Tier 2 rates. But I view it as critical and also consistent with the industry to create an in-season tier and a subsequent price increase there.

This is done pretty commonly at a host of other mountains, including in the state, most notably Gunstock, Ragged, some of our -- a mountain that is very similar to Cannon, Jay Peak in Vermont operates very similarly. And the idea behind this, sir, is that, you know, as much as we can do to drive advanced commitment, this is a tried and true strategy to offer guests and passholders the opportunity to purchase earlier at a discounted rate and encourage folks prior to the season beginning to jump on the program. So that would be a change.

Pretty much as you look at the 2025-2026 prices you'll see that Early Bird tier where we would go on sale again. Those prices are frozen.

Secondly, as we go to the off-season tier, the majority of those prices are -- I propose to go up by 1.8%. There's one tier in there, the U29 group, which I propose to go up 3.8%; but, otherwise, it's 1.8% across the board. And no changes to military or special use passes like our uphill passes on any tier.

And then thirdly is on that in-season tier with its creation this would be valid. There's two important notes. For

Cannon only passes, these are for folks who are not New Hampshire residents. That would go into effect on November 28th when we anticipate being open. And then for New Hampshire residents, that in-season tier would take effect after the RSA deadline.

So as prescribed in RSA 227:14, Reduced Rates, there's prescription for me as the Mountain Manager to offer discounted rates on season passes through December 14th to New Hampshire residents. That's commonly done. The same thing here, but our in-season tier for New Hampshire resident passes would then begin December 15th. That is also consistent with what we do presently. I just wanted to make sure it was as clear and for you all to consider. I hope that answered your question.

CHAIRMAN WEYLER: Follow-up.

REP. LEISHMAN: I guess I'm concerned if I'm the resident here in New Hampshire and I log onto your site that I can say, well, gee, if I buy my ticket now it's going to cost this much. If I buy my ticket next season for the following season, how much it's going to be. It just seems it's not as clear; but maybe it's just me. But -- um --

MR. WIRTH: I think first some additional context. One thing that I see in terms of our past unit sales, the vast majority of our past unit sales for Cannon only passes, these are mostly out-of-state visitors. Those occur during the spring and summer. That's when the vast majority of those are sold. Pretty much the same with New Hampshire resident passes, although we do see a number of New Hampshire residents, there's a larger percentage of them that buy later in the season, in particularly in-season. So I couldn't explain exactly why that is to you, other than the fact that our New Hampshire residents tend to like buying season passes later.

REP. LEISHMAN: Okay. Well, thanks. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Further from the Committee? How much of your operating costs gone up year over year?

MR. WIRTH: Well, you know, anywhere between 5 and 11 percent. Um -- we were aided by a renegotiation of a favor -- well, an unfavorable utility contract. We were able to get a new rate coming into this year. So some of the impacts to Cannon's budget, which it affected the place pretty unfavorably in the last two years, have been corrected. With some further cost control and some contemporary financial management practices, you know, we sought to certainly control; but we certainly see the impact of inflation, wage compression. There are a number of wage increases that were authorized at the Park Service and then at Cannon Mountain within the last couple of years. So it's important for us to maintain our level of self-sufficiency in our rates while also maintaining our position as a valued leader in the market.

CHAIRMAN WEYLER: How's your snow been?

MR. WIRTH: This is -- this is probably the best the mountain has looked in several years. Um -- we have 99% of the mountain open. We're above median in terms of natural snowfall. We've had huge success with snowmaking this year. The conditions have been really remarkable. Visitation's been up. Revenues are up. Costs are down slightly, and I think it's all really positive.

I think most notably, I also wanted to share with the Committee, we conduct post-visit surveys with all guests where we just -- we try to benchmark ourselves against the industry and a host of metrics. National Ski Areas Association releases a report called a Kottke Report where they look at industry benchmarks and, in particular, they ask the question, and we compare ourselves against the question of what is the value for price paid of the products? We ask that specific question of all of our product holders from day tickets, beginner tickets, pass holders, et cetera. Cannon is in a very strong position as it relates to value for price paid. Right now we trend at about

an average of 8.3 out of ten versus a Regional Northeast Industry average of eight. So folks who, especially pass holders highly utilize the mountain, they view it as a good value, and we're trending above our industry peers.

CHAIRMAN WEYLER: You're very thorough. Thank you.

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

CHAIRMAN WEYLER: Senator Gray moves --

SEN. BIRDSELL: Second.

CHAIRMAN WEYLER: -- adoption of the item. I think it was Senator Birdsell seconds. Further discussion? Seeing none. All in favor say aye? Opposed no. 25-047 is adopted.

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

MR. WIRTH: Thank you.

CHAIRMAN WEYLER: Thank you.

**(7) Chapter 79:11, Laws of 2023, Department of Corrections; Transfer Authority:**

CHAIRMAN WEYLER: Moving on to Tab 7, Item 25-048, Department of Corrections. Is there any questions on this item?

REP. LEISHMAN: {Inaudible}.

SEN. GRAY: Second.

CHAIRMAN WEYLER: Representative Leishman moves to adopt the item, Senator Gray seconds. Senator Watters has a question. Someone here from Corrections? Yes, she is. Welcome, Commissioner Hanks.

HELEN HANKS, Commissioner, Department of Corrections: Thank you. For the record, Helen Hanks, Commissioner of the Department of Corrections.

CHAIRMAN WEYLER: Senator Watters is recognized for a question.

SEN. WATTERS: Thank you, Mr. Chairman. Thank you, Commissioner. You know, I know the struggle over many years on staffing and so forth, and I wanted to get a sense -- a couple of -- a sense of a couple things for you. How do you see the trends in your capacity to hire the staff you need? And then, secondly, I notice you've got 116 eligible for retirement and I, you know, the retirements went up a little bit when Covid started, and they're down a little bit and so on. But what do you anticipate in terms of that fairly large group, and what pressure that's going to put on you to have successful recruitment?

MS. HANKS: Thank you for that question, Senator. The 117 at the time of this report, which was 123; 2025 in fresh numbers this morning we have 107 who are in that retirement eligible category. Sixty of them are sworn law enforcement and of the 107, 36 of them have 25 plus years or more of service. I think it's a very hard prediction to figure out how many may or may not choose to retire. I think it's very also clear as the topic of Group II retirement occurs, if the Retirement System is adjusted again more favorably, we will see an uptick in the number of people who choose to retire and deservedly so, given the hours they've put forward to the State of New Hampshire. But the promising number is watching our trends in recruitment and we continue to recruit and work to retain all of our staff across all of the professionals it takes to run the Department of Corrections. And just in the numbers we've hired three more since I've sent the data. So we're up to a total of 33 just in our law enforcement ranks, and we have 32 or, excuse me, 34 in the queue. So we are just being much more aggressive and assertive recruiting for the same entry level individuals that all law enforcement does across the State of New Hampshire.

SEN. WATTERS: If I may follow-up?

CHAIRMAN WEYLER: Follow-up.

SEN. WATTERS: So, I mean, this -- much what we're doing today is about the overtime and fairly not -- not -- not unexpected. But do you have any sense about the relationship between the, you know, what we're going to see trending on that overtime number based on what you see trending as your capacity to fill full-time positions?

MS. HANKS: Senator, if our capacity to continue to recruit, which is what I've always advocated for happens, we are going to stay steady and continue to mitigate anybody's deserved retirement or departure from the agency.

I did send out to House Finance and others, and I think it's important to note, that the number of overtime hours has actually decreased. So as we've recruited individuals and our population has declined, so we've shutdown and kept one whole floor shut down in one of our larger general population housing units. That means there's 14 posts that we don't fill every day of the year.

I think another important piece we don't talk enough about is we've reduced our re-incarceration rate. We literally have reduced the number of people by 8% in seven years who come back to incarceration. That represents just roughly under 200 people who have not come back to incarceration.

If you look at the daily incarceration rate, which is \$252 a day, that's approximately \$90,000 the Department of Corrections has saved the State in just individuals not returning to incarceration. You do that multiplication that's somewhere around \$14 million. So it's really the totality of everything we're doing in the Department, both in recruitment, treatment, and programming and being truly the Department of Corrections. And as long as we're funded and continue that

effort, we're headed in the right direction on behalf of the State of New Hampshire.

SEN. WATTERS: Thank you. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Congratulations.

MS. HANKS: Thank you, sir.

CHAIRMAN WEYLER: Anything further from the Committee? Is there a motion to adopt the item?

SEN. GRAY: We already did that.

CHAIRMAN WEYLER: We did that. All right. Any further discussion? Seeing none. All in favor say aye? Opposed no? The item is adopted. Thank you very much for your progress.

\*\*\* {MOTION ADOPTED}

(8) Miscellaneous:

(9) Informational Materials:

CHAIRMAN WEYLER: Okay. We're moving on to informational items. Is there any particular item anybody wishes to remove to be discussed?

SEN. BIRDSELL: Mr. Chair.

CHAIRMAN WEYLER: Senator Birdsell.

SEN. BIRDSELL: Just have a question. I have to leave at noon, and I was wondering if we could go over the Human Rights before I leave?

CHAIRMAN WEYLER: The audit?

SEN. BIRDSELL: Yep.

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CHAIRMAN WEYLER: Yeah, and -- and if there's -- so you want to start that now. Obviously, there's nobody has any requests for the information items. So we're ready for audits, and the request has been that the first one be the Commission for Human Rights.

**Audits:**

CHAIRMAN WEYLER: Good morning.

CHRISTINE YOUNG, Director, Audit Division, Office of Legislative Budget Assistant: Good morning. For the record, I'm Christine Young, Director of Audits for the LBA, and we are going to present our performance audit of the New Hampshire Commission for Human Rights.

John Clinch from our office was the in-charge manager on this audit. He'll present the report. And joining us are Katrina Taylor. She is the Acting Assistant Director of the Commission. And also Sean Locke. He is a Senior Assistant Attorney General from the Department of Justice.

They were instrumental in helping us to close this audit and finalize the report. And they're here to represent the Commission on behalf of a key employee who was out on leave during the audit. And, with that, I'll turn it over to John for the presentation.

JOHN CLINCH, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant: Good morning, Mr. Chairman, and Members of the Committee. My name is John Clinch, and I'm a Senior Audit Manager with the Office of Legislative Budget Assistant. I'm here to present our performance audit on the New Hampshire Commission for Human Rights. I'd like to provide you with an overview of the report, and then I'd be happy to open it up for questions and comments at the end.

As shown on the transmittal letter in Roman numeral I, our objective was to determine whether the Commission efficiently and effectively enforced laws against discrimination when receiving, investigating and making findings on complaints. Our audit period was State Fiscal Years 2020 through 2023.

Please turn to our Executive Summary on Page 1 which describes the results of our audit.

We found the Commission was inefficient and ineffective in investigating complaints and closing cases in a timely manner. We also found the Commission had not established a method to measure its effectiveness, such as tracking how long it took to process cases. Effectiveness was negatively impacted by expired administrative rules, lengthy investigations, and inadequate training. Tools for managing extensions and other delays from parties appearing before the Commission had also not been established.

We found the Commission had long-standing issues that had not been adequately addressed. Case backlogs from as early as 1984 continue through the present day. The Legislature took steps to address the backlog in State Fiscal Year 2024 by adding four investigator positions and two administrative positions; but filling these positions has been slow due to continued staff turnover.

Case backlogs were worsened by the assignment of investigators to non-investigatory tasks when administrative positions were unfilled or unfunded.

We found a lack of basic management control, such as establishing a strategic plan, identifying objectives, developing performance measures and identifying and responding to operational risks.

We also found policies and procedures for investigators and commissioners were deficient. The manuals used to communicate policies and procedures were disorganized, contained

typographical errors, and referenced outdated statutes, court rulings, and expired rules.

The Commission did not have reliable program data on which to base its operational decisions. Case data were maintained mainly in several spreadsheets and publicly reported data were inaccurate.

Finally, we found several findings from our 2019 Financial Audit Report remained unresolved. For example, the Commission's administrative rules had expired in 2015. This was cited as a deficiency in our 2019 financial audit, yet the Commission's rules remained expired to this day.

Biennial reports had not been filed during the audit period. Additionally, statements of financial interest required by statute had not been filed by some Commissioners or had not been complete -- completed correctly.

Our Recommendation Summary begins on Page 3 and contains 25 Observations with Recommendations. The Commission fully concurred with 24 Observations and concurred, in part, with one Observation. Two Recommendations, numbers 10 and 13, may require legislative action.

Turning to Page 7, our background section discusses the types of discrimination cases handled by the Commission.

Page 11 shows an illustration of the Commission's case process. As you can see, there are numerous steps in the process contributing to the time it takes to process a case.

Figure 2 on Page 13 shows most pending cases are employment cases. And Table 1 on Page 14 notes the Commission's revenues and expenditures for the audit period.

I'd like to take a minute to discuss Observation No. 1 on Page 17 due to its significance to the Commission and our audit

objectives. This Observation discusses the average length of time the Commission took to process cases.

Figure 3 on Page 18 shows case processing time through various stages of the Commission's process. It's important to note not every case follows the same path. Some cases are withdrawn after filing or they could go through the entire process and have a public hearing. Cases can also be delayed if the parties to the case request more time. The Commission could administratively close a case under some circumstances, such as the death of a complainant while the case is in -- is with the Commission. All these factors should be taken into consideration when I discuss average time frames.

Figure 3 shows it took an average of 840 days or 2.3 years between case filing and case closure. Our figures were calculated based on 228 cases with data sufficient for analysis. Figure 3 also shows the time from case filing to investigator assignment for a subset of cases average 557 days or one and a half years.

Following investigator assignment a case could take two different paths, one of which is to proceed to a probable cause determination, which on average took 398 days after the investigator was assigned. If a case was closed after investigator assignment but before probable cause determination, the case took an average of 384 days following investigator assignment. No cases went to public hearing during State Fiscal Year 2023.

We found 62 cases or approximately 27 percent of the cases we reviewed took so long to close that the complainants could no longer remove the case to Superior Court within three-year statute of limitations deadline.

We recommended the Commission ensure cases are processed timely by tracking dates of important case events for such -- for each case, develop administrative rules to establish deadlines for amendments and extensions, and evaluate the costs

and benefits of different methods of tracking cases, including using a case management system.

That was a very high level overview of our findings. I mentioned earlier that the report includes 25 findings with Recommendations -- uh -- for improving management controls, investigations, and compliance. Corrective actions will take time to implement, especially while the Commission continues to conduct investigations and has positions that remain unfilled.

The Appendices are found in tab sections of the report and include our Scope Objective and Methodology in Tab A, the Commission's response to our audit in Tab B, results from our survey of attorneys that had worked with parties of the Commission in Tab C, and the current status of prior audit Observations in Tab D.

Before I conclude my prepared remarks, I'd like to thank Commission staff and Commissioners and the attorney from the Department of Justice for their assistance during this audit. With the Chair's permission, I'd like to turn it over to Katrina and Sean for their comments.

MS. TAYLOR: Hi. Good morning, everyone. My name is Katrina Taylor. I am the Acting Assistant Director. Unfortunately, our Executive Director could not be here today so I am here. And I just really wanted to, first of all, thank the LBA for their recommendations. We do appreciate that the audit acknowledges that staffing and managing the really heavy demands placed upon the Commission have been decades long. This is not a recent phenomenon by any means. We really look forward to implementing these recommendations to provide more transparency and efficiency.

I do believe -- I know I'm a temporary Acting Assistant Director, but I'm very confident that with these recommendations and the additional resources that we were allocated over this past budget cycle that we are going to be able to better manage the existing backlog and go forward. So I really, again, wanted

to thank Mr. Clinch and his office for their cooperation, their recommendations, and thank you all for being here.

CHAIRMAN WEYLER: Senator Gray.

SEN. GRAY: Certainly, of note in Appendix D, there's one, two, three, four, five, six, seven, eight, nine findings that go all the way back to 2019. And then there's two that predate that by over ten years. And so what is the commitment to resolve those issues, get your rules issued, et cetera?

MS. TAYLOR: Yes. So, unfortunately, I was not in a position of management. This is, again, I'm Acting Assistant Director. It's very temporary, very recent. So I cannot attest to that in my position as where I'm at right now with the commissioners. I know that we are all committed to moving forward. Our priority right now especially is those administrative rules and that's from my perspective. I don't know Sean wanted to add anything.

SEAN LOCKE, Senior Assistant Attorney General, Office of Attorney General, Department of Justice: I would agree with that. That's been a priority for the past several years. There was a staff person tasked with updating and revising the rules. They departed the Commission as that process was going forward. But we are working -- the Commission's working with OLS and JLCAR and getting ready for rules to be presented to JLCAR to put rules in place, and then there'll be follow-up amendments as kind of noted in the Commission's responses to address some of the Recommendations from the audit as well.

CHAIRMAN WEYLER: Follow-up.

SEN. GRAY: I will want someone to contact my office on a good answer to this question, so please have that happen.

MS. TAYLOR: Absolutely.

CHAIRMAN WEYLER: Senator Birdsell, did you have questions? Okay. Senator Leishman and then Senator Watters. Representative Leishman and then Senator Watters.

REP. LEISHMAN: Thanks for the promotion, Mr. Chairman. Uh -- so I don't know where to begin. I feel sympathetic to the Acting Director; but I read one of the comments from one of the attorneys back in section, what, C-5, that it's been going on for 20 years that the service has been terrible. I think he used the word terrible or she doesn't -- um -- and I guess it begs the question, because this has been a historic problem, and your agency is asking for at least \$3 million in General Funds in this coming session. Does it make sense to continue? Because, again, things need to move forward. It takes times for rules. You've got a backlog, I think, was like 259 cases.

I'm just concerned that the request has been made for additional funding, yet apparently this issue of cases being handled in a timely manner and then number of other things that the audit folks found has been long-term. I'm just curious of your response or may be a better question for the gentleman from the Attorney General's Office.

MS. TAYLOR: So I can, again, briefly. I can't speak for what has happened in the past. I've been an employee there for eleven and a half years, but I've never been in management. When I started our backlog was about 175 cases. So, again, this is a long existing issue. I have no information right now in regards to the budget. I was not the one who put that together. So I am going to be working with the DOJ in their Business Office to answer those questions better in the next week or so.

ATTORNEY LOCKE: I would just add here to that is, you know, one, working with our Business Office because the agency is administratively attached to the Department; but also, you know, some of this, you know, shortly after or before Katrina had started with the Commission, the Agency had had - this would go back to about 2012 - it's staffing cut by a third, and it remained in that status despite requesting additional resources

for almost a decade. It wasn't until about 2020 that they received additional resources, and during that time that's when we see addition with staff turnover. If you have three investigators and one investigator leaves, you've lost a third of your capacity to manage the cases that are coming in.

The cases that have been coming in haven't decreased over time. I've looked at legislative histories in different context going back to the nineties where comments were made, you know, about staffing at the Commission and the backlog cases that hostile work environment claims, disability discrimination claims. These are new laws and they'd be temporary blips in the increase of cases the Commission would receive. That hasn't borne out over time. They've remained significant sources of cases coming into the Commission.

So it's -- it's an impact that has kind of cascaded from some requests -- the efforts the Commission's made to get it's staffing built up so it can manage the caseload in front of it, and that's happened recently. And so that's why the Commission is optimistic that with these rules and these amendments and some of these proposals and recommendations for collaborations between the LBA Auditors and the Commission and recommending time limits, firm time limits that can be incorporated into the rules, limitations on amendments to cases. Because we looked through the Commission cases that had been pending for an extended period of time and found, you know, there'd be a case that was ready to go to probable cause or no probable cause determination and the complainant would amend the charge to add a retaliation claim. That charge now has to be investigated.

One of the Recommendations would be that there's a limit when that can occur, when an amendment can be made as a matter of right, or when a person would have to file a new charge of discrimination instead of amending and starting the process over, which extends the time it takes for a case to process.

Other examples of issues that have arisen that have kind of caused some cases to languish longer than others, parties asking

for additional time. It's a reoccurring issue. It's a reoccurring issue where I'm going on vacation. I'm going to be out of the office. I need an additional month to do something, two months to do something. Those add up over time, and that leads to, again, or attorneys changing hands. The business that's being investigated is, you know, their attorney leaves. They get a new attorney. I need six months to get up to speed on this. It leads to those increases in time. So it's not necessarily solely something within the Commission's control. It's also the parties appearing before it. But rules and more transparent rules about those processes would help facilitate and kind of prevent some of that, maybe for lack of better word abuse of kind of their procedures that have existed in the past.

REP. LEISHMAN: Further question, Mr. Chairman.

CHAIRMAN WEYLER: Further.

REP. LEISHMAN: Thank you. I guess I'm concerned because I sat as the Division Chair that received the request last session for additional help. We were told that I think that if we had four more investigators added that there'd be a tick down, if you will, a number of cases. We answered the requests. Not many people received additional staff in the last budget. We provided that and yet, again, the caseloads have gone up. I understand maybe you haven't been able to fill, but it's still very concerning to me and I'm sure the rest of the members up here that when people go to the Human Rights Commission it takes years to get a response or a decision, and we're just not meeting the needs of the people of our state. And, again, my concern about, again, the amount of money that's been spent and we seem to be going backwards. So thank you, Mr. Chairman. Thanks for taking my question.

CHAIRMAN WEYLER: Senator Watters and then Senator Carson.

SEN. WATTERS: Thank you, Mr. Chairman, and thank you all. And, you know, Assistant -- Acting Assistant Director I appreciate your situation.

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So I guess, Mr. Chairman, what I would wonder is that if we could have some follow-up information onto an exact -- a precise schedule for the preparation and submission to rules to JLCAR. That -- that I think we need to know. It's rather vague in here. I think we need to know how you're going to accomplish that.

Secondly, I think this will probably come out through House Finance, but it would be good to know how the money has been applied from the last -- that increase from the last budget. Just, you know, what has resulted and who is hired and how have the duties been maybe separated out as they should be between the people working on cases and the administrative tasks.

But, thirdly, Mr. Chairman, I -- I think on this one we need to have a mechanism here in this Committee to follow-up. And I don't know what schedule you want to put, whether it be once a month or every couple months that they come in. We have to work through this. Because it -- I do not -- I'm not -- I'm not confident there's the capacity for the Commission to -- um -- implement the Recommendations. And I -- I think that's why we're just going to have to monitor because this situation can't continue. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Senator Carson.

SEN. CARSON: Thank you. Excuse me. Thank you, Mr. Chairman.

Um -- my question is for Attorney Locke. Um -- in going through these it seems like part of the problem are -- is the large number of pro se litigants. They're -- they're really ignorant of the legal process, and they don't understand everything that's going through. And I think back to what the Legislature did a few years ago by allowing paralegals to work under the direction of an attorney to work with pro se litigants in Family Court. Do you think that that is something that would help this process going forward?

ATTORNEY LOCKE: I think representation could help in those capacities. It would still come down to are those people able to even find paralegal services to assist them. But it could help because it helps -- it would help with kind of keeping the cases more organized. I think some of the challenges with self-represented individuals is that tracking them down, being in contact with them, getting the records you need, and I think Katrina's even better poised to answer that question, speak to that than I am. It does create significant challenges and it can, again, lead to delays because there might not be the rapid response when people are in difficult situations. If they've lost employment, they're looking for new employment. They're not as concerned with responding to a request from the Commission. So and I'll let Katrina speak to that even more.

SEN. CARSON: Okay.

MS. TAYLOR: Yeah. I think, and again, it's really for me it goes down to the volume of complaints. We get at least 25 complaints per month. And so the consistence volume I don't -- for me, I'm not sure. I do think it would help those folks, absolutely; but, for me, I don't know if it would decrease the number of filings that we see every year.

SEN. CARSON: Thank you.

CHAIRMAN WEYLER: Further questions from the Committee? Senator Gray.

SEN. GRAY: Um -- the Recommendation was made that there may be need for legislative action on 10 and 13. I would like some more information about what you believe that legislative action could be. The Senate has a lot more leeway in adding things to bills that they have. So picking a Senator to at least have that discussion with, whether it's me or someone else, would be to -- to me it may help you move yourself along.

ATTORNEY LOCKE: I can speak from a statutory standpoint looking at Recommendation 10. What it boils down to is some

additional language that could be added to the statute to make it very clear that the Commissioners can rely on staff to facilitate the conciliation process. So it's pretty straightforward. I think Recommendation 13 you'll see in why it's a concurrent part is that the Commission doesn't necessarily agree that statutory changes are necessary, although the LBA does.

CHAIRMAN WEYLER: Follow-up.

SEN. GRAY: We can't attempt to do it until you get either myself or one of the other Senators that language. Okay. And it should be on 10, and it should be on 13. And if we have a bill that is close or deals with that same statute or whether we hold a public hearing, you know, we might be able to help you if you come see us.

ATTORNEY LOCKE: Thank you, Senator Gray.

CHAIRMAN WEYLER: I value very much the audits that come from the Audit Division. And where they -- since we are the first legislative group to see them, when they suggest legislative fixes are involved, I will file that legislation. We have the opportunity to put it in HB 2, but I need to get the suggestion within three weeks.

MS. TAYLOR: Sure. Thank you so much.

CHAIRMAN WEYLER: We'd also be anxious to learn by the next meeting your progress on the adoption of your rules.

MS. TAYLOR: Sure.

CHAIRMAN WEYLER: So we'd like to see those either by next meeting or the one succeeding if you're not finished by then. But I always take the appreciation of the -- of the work done by Audit Division, and I always file the legislation when I see any that's needed. So we need to get that input from you. And, fortunately, we have a -- an opportunity to put it in HB 2, so.

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MS. TAYLOR: Sure.

CHAIRMAN WEYLER: We'll look forward to getting those soon. Further from the Committee? Representative Wallner.

MARY JANE WALLNER, State Representative, Merrimack County, District #19: I just wanted to make a statement that the House Judiciary Committee should probably be involved --

CHAIRMAN WEYLER: Good point.

REP. WALLNER: -- in -- um -- in looking at this audit and monitoring it.

CHAIRMAN WEYLER: We will make sure that they have copies.

REP. WALLNER: Thank you.

CHAIRMAN WEYLER: Representative Griffin.

GERALD GRIFFIN, State Representative, Hillsborough County, District #42: Thank you. I just -- I just -- I'm really concerned that a person who petitions the Board is going to be really depressed about the amount of time it takes to react to the petition. And it seems to me that the old adage that justice delayed is justice denied really comes into play when the time period from the initial filing to the case being determined and closed is as long as it is. And it's got to be discouraging to a petitioner who goes there.

I know from my own experience I've had constituents call me up and complain about the time period. And -- um -- somehow we've got to figure out how to shorten that period, because otherwise the whole existence of the Commission is called into question.

CHAIRMAN WEYLER: Further from the Committee? So our new procedure says that we have at the time that these are released,

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the LBA releases it. So the normal motion is to accept the report, place it on file, and release in the usual manner. That has already been done. So that -- that has been accomplished. So you've been instructed as to what we expect to get back pretty soon from this audit. And I appreciate the thoroughness of the Audit Division, as usual. Anything else on this audit? We have more to go. Thank you.

SEN. GRAY: {Inaudible}.

CHAIRMAN WEYLER: They always do that, put them in. You can do it {Inaudible}. You got more thorough way to do it, that's fine. I always follow-up because nobody else does.

Good morning. Madam Treasurer, welcome.

MONICA MEZZAPELLE, Treasurer, Treasury Department: Good morning.

MS. YOUNG: Okay. So the next audits are the Annual Reports of the College Savings Plans. And as you know, our office retains the services of PricewaterhouseCoopers for these audits. And with us is Sean Kay. He's the Partner with PWC, and Monica Mezzapelle, our State Treasurer, and the Trustee of the plans is also available for questions and comments. And, with that, I'll turn it over to Sean.

SEAN KAY, Partner, PricewaterhouseCoopers: Super. Thank you very much. Appreciate the chance to be here this afternoon and share with you the results of the audits that our firm conducted, which in scope is the Unique College Investing Plan and the Fidelity Advisor 529 Plan. Both are under annual examination as of September 30th. I have advised -- by the way, sorry, my name is Sean Kay, and I am a Partner with PricewaterhouseCoopers. Been with the firm for 26 years, but this is my first year presenting on behalf of our firm.

CHAIRMAN WEYLER: We have three documents in front of us. Which one will you start with?

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MR. KAY: Frankly, the one that you have in your hand there is just fine. Those materials are for your reference. There's one page that I'll speak to in a moment and that will help direct our comments.

So, as I said, the Fiscal Year end of these structures are September 30th. In November of 2024, we presented the State of New Hampshire and the Treasurer's Office with our audit results, and those audit results have been positive. And then on December 12th and December 19th I issued clean unqualified opinions on the results of both of those structures.

So if I could direct your attention to Page 5. That will be a good page that we can utilize to speak from. The title of that page is the Status of Our Audits, and I just wanted to focus on our discussion today.

So I did issue unqualified opinions, meaning clean opinions, on the results for each of the structures, and those were issued on, again, December 12th and December -- December 19th. My team did not identify any control deficiencies that rose to the level of material weakness or significant deficiencies. So not just good audit results, but also good impacts and good assessments on internal controls. We received the full cooperation of all the service providers that we came into contact with. That includes the individuals at Fidelity and also the folks at the State of New Hampshire.

Summarily, my team achieved every objective that we had set forth in our plan. We had no restrictions on where we wanted to go, on what we needed to see as it related to. It's a very specific audit objectives. We independently confirmed the existence of 100% of the assets. We repriced independently without error or without issue 100% of the items that were in for valuation. And as it relates to the P&L items, income into the funds and expenses that went out of the funds, we observed no material differences in any of our audit results. So very, very clean audit results, as is customary with these structures.

Finally, I'll just highlight as it relates to the State of New Hampshire, fees that go to the State of New Hampshire, those -- those results that I shared with you extend to the fees that are received by the State of New Hampshire. We had no differences, no audit differences noted in our independent recalculation of those fees.

CHAIRMAN WEYLER: Okay.

MR. KAY: So the remainder of the report is, again, for your reference. Unfortunately, it's called Required Communications and so it's very similar to what we presented to you in the past, but it -- it highlights and reaffirms for the group that our firm is independent of the structures. We identified no fraud. All of the related party transactions that are required to be disclosed have been disclosed. And that -- and that there were no disagreements with Managements and, again, no issues, errors, unadjusted items or audit adjustments that were identified.

At this time I'm happy to answer any questions that anyone has on those audit results.

CHAIRMAN WEYLER: Questions from the Committee? Happy to say that some of us in present with the guidance of our Madam Treasurer we look at all these accounts quarterly. So we have a lot of familiarity with these. And I know she's keeping track of every dollar as she always does. So there any other questions from the Committee? So the motion has been made that the report be accepted, placed on file, and released in the usual manner, and that will be done.

If there's no other questions, then I guess the next thing is to pick a date. Thank you very much for your good work. Welcome to New Hampshire, Sean.

MR. KAY: Thank you kindly.

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CHAIRMAN WEYLER: So we'll discuss the usual third Friday.

MICHAEL KANE, Legislative Budget Assistant, Office of Legislative Budget Assistant: Third Friday would bring to the 21st of March.

CHAIRMAN WEYLER: So let's take a look at our schedules and see if anybody has any restrictions or any requests for any particular starting time.

SEN. GRAY: I have a --

CHAIRMAN WEYLER: Senator Gray.

SEN. GRAY: I have a University System Board of Trustees meeting that usually it gets out around noontime. So I wouldn't be available until the afternoon. But that -- I'm not the only one.

REP. WEYLER: Any other conflicts with anybody? Most of us aren't scheduled that far ahead. Senator.

SEN. CARSON: I -- I have the Children's Oversight Commission in the morning, which usually can go between 10 -- between 9 and 11. And then in the afternoon I have the New Hampshire Ireland Trade Council at 1:30, so.

CHAIRMAN WEYLER: Fills up your day, doesn't it?

SEN. CARSON: Yeah. Oh, that's okay. So if -- I mean, 11 o'clock worked well for me, because this doesn't -- I mean, I know it can run long but -- um -- it --

CHAIRMAN WEYLER: You think you might be able to be present for most of it if we had it at 11?

SEN. CARSON: Yeah, I think so, Chairman.

CHAIRMAN WEYLER: Representatives, any preference one way or the other? All right. Let's schedule it, Mr. Kane.

MR. KANE: Yes.

CHAIRMAN WEYLER: We're talking Friday the 21st, 11 o'clock for Fiscal. If we have a pre-Fiscal, we'll probably do it at 10 o'clock for the Members of the House.

MR. KANE: Okay.

CHAIRMAN WEYLER: All right. Eleven o'clock, Friday the 21st, for the next month's Fiscal.

MR. KANE: Yes.

CHAIRMAN WEYLER: Welcome, Representative Smith. I know you wanted to hear this audit, and I think both you and I would be impressed from what we've seen in the quarterly meetings we go to.

{Inaudible}.

MARJORIE SMITH, State Representative, Strafford County, District #10: Mr. Chair -- um -- the -- while you and I have -- are involved in the issues that the Treasurer just presented, and I'm always pleased to see how well that's going. What brought me here today, of course, is the very, very long-standing and serious problem of the Human Rights Commission. And I will tell you that the House Judiciary Committee starting in 2021 has been involved in this problem, and finally in 2022 went to the Joint Performance Audit Committee to ask for the -- to ask for the performance audit knowing the incredibly fine work that the LBA always does, and knowing what a difficult conundrum this was going to present.

I think they've done their usual incredibly fine job where they do just the facts, ma'am. And I will also tell you that while the Chair of the House Judiciary Committee has been out of

the country for a few weeks, he and I have been in touch about this issue.

CHAIRMAN WEYLER: Good.

REP. SMITH: And he's planning to schedule a meeting to which the Human Rights Commission and the LBA will be invited for them to make a presentation and to talk about what we can do. And, of course, even under existing House rules, although Senator Gray is right that the Senate has so much more flexibility, a Committee can with good reason without regard to the ordinary time schedule come forward with legislation.

So between House Bill 2 and what the House Judiciary Committee might do, we might be able to try to see if we can solve a problem that's essential, because while the easiest thing for us to all do is throw up our hands and say let's just get rid of the Human Rights Commission, that does not do justice to the citizens of the state who should be able to depend upon a more responsible, reliable Commission.

We have the federal EOC, at least, at the moment who might be able to do some employment stuff, but that's not the only problem. And I am very appreciative of the fact that the Fiscal Committee has moved this along, and thank you very much.

CHAIRMAN WEYLER: Well, I'm going to see to it that Mr. Kane gives you enough copies to present to the Judiciary Committee, and give them your impression of the audit delivery.

REP. SMITH: Well, thank you. Of course, I know that Mr. Kane will do absolutely everything that needs to be done to make this work because he always has.

CHAIRMAN WEYLER: Senator Watters.

SEN. WATTERS: Thank you, Mr. Chairman. Just a comment. I really appreciate the House Judiciary Committee taking this on. I think we heard another suggestion from Senator Carson about an

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area, because it does seem to me, aside from 10 and 13 in the audit, I read through and I see a lot of other things that may require legislative attention, and I'm sure you'll be very thorough on it. But I think there's much more here that needs to be looked at from a legislative perspective than just 10 and 13. So I just wanted to mention that, Mr. Chairman. Thank you.

REP. SMITH: The Senate -- if I could comment on that, Senator Watters. You're absolutely right. There are -- there have been procedures which have been filed which -- I hope this is not too strong a word -- which have been unconscionable and show a lack of respect for the institutions of the state, including not only the RSAs, but the rules. And -- um -- that should not be allowed to go on, and this performance audit has created an opportunity for us to do the right thing.

CHAIRMAN WEYLER: Thank you. Anything further from the Committee? Okay. I guess we all got a 1 o'clock. So we will stand adjourned until March 21st.

(The Committee adjourned at 12:17 p.m.)

C E R T I F I C A T E

I, Cecelia A. Trask, a Licensed Court Reporter in the State of New Hampshire, do hereby certify that the foregoing is a correct transcription from my shorthand notes of the proceeding in the above-entitled matter to the best of my professional skill and ability.

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Cecelia A. Trask  
N.H. Licensed Court Reporter - #00047

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