

JOINT LEGISLATIVE FISCAL COMMITTEE

One Granite Place, Room 230

Concord, NH

Friday, August 21, 2026

MEMBERS PRESENT:

Representative Kenneth Weyler, Chair

Representative Gerald Griffin

Representative Maureen Mooney

Representative Mary Jane Wallner

Representative Peter Leishman

Senator James Gray

Senate President Sharon Carson

Senator Cindy Rosenwald

Senator David Watters

Senator Timothy Lang (Alt.)

(1) Acceptance of Minutes of June 19, 2026 meeting

KENNETH WEYLER, State Representative, Rockingham

County, District #14: It being August 21st, just after eleven, we'll open the Fiscal Committee meeting agenda, and the first item is acceptance of minutes from June 19, 2026.

** JAMES GRAY, State Senator, Senate District #06:

So move.

SHARON CARSON, State Senator and Senate

President, Senate District #14: Second.

CHAIRMAN WEYLER: A motion and a second to adopt. Is there any corrections or additions? Seeing none. All in favor say aye?

(Chorus of ayes.)

CHAIRMAN WEYLER: Opposed no.

(No response.)

CHAIRMAN WEYLER: You've adopt these minutes.

*** {MOTION ADOPTED}

MAUREEN MOONEY, State Representative,
Hillsborough County, District #12: And one abstention, Mr.
 Chairman, seeing as though I was not here at the meeting on
 June 19. Thank you.

CHAIRMAN WEYLER: So noted.

(2) Old Business

CHAIRMAN WEYLER: Okay. Nothing under Tab 2.

(3) RSA 14:30-a, III Audit Topic Recommendation by
Legislative Performance Audit and Oversight Committee

CHAIRMAN WEYLER: Tab 3 is a recommendation that
 we do an audit for this -- uh -- money we had for mobile crisis
 intervention services. I know I've been asking for the results
 for years with no answer. So I -- I hope we'll -- we'll pass
 this so that we can get a -- an audit of it.

** PETER LEISHMAN, State Representative,
Hillsborough, County District #33: Move it.

CHAIRMAN WEYLER: Representative Leishman moves

that we approve this -- um -- but -- legit -- budget audit -- legislative budget audit division request. And I guess the second was from Senator Rosenwald. Further discussion? All in favor say aye?

(Chorus of ayes.)

CHAIRMAN WEYLER: Opposed no?

(No response.)

GERALD GRIFFIN, State Representative,
Hillsborough County, District #42: I will abstain as I'm the requester.

CHAIRMAN WEYLER: So noted.

*** {MOTION ADOPTED}

CONSENT CALENDAR

- (4) RSA 9:16-c, 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:

AMERICAN RESCUE PLAN 2021 CONSENT CALENDAR

- (6) 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: All right. We have a Consent Calendar covering Tabs 4, 5, and 6, with a lot of transferring and accepting routine things. However, there has been a

request to remove several items from the Consent Calendar.

They are the following all from Tab 5: 26-134, 26-141, 26-143, 26-144, and 26-146. With exception of those, I'll entertain a motion to adopt the rest of the Consent Calendar on Tabs 4, 5, and 6.

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SEN. GRAY: So moved as modified.

SEN. PRESIDENT CARSON: Second.

CHAIRMAN WEYLER: Motion by Senator Gray, second by Senator Carson. Is there any further discussion? Seeing none. All in favor say aye?

(Chorus of ayes.)

CHAIRMAN WEYLER: Opposed no?

(No response.)

CHAIRMAN WEYLER: That motion carries.

*** {MOTION ADOPTED}

CHAIRMAN WEYLER: So, we'll move on in Tab 5 to item number 135. And I think I had that down for Senator Watters, right?

SEN. PRESIDENT CARSON: Um -- excuse me, Mr. Chairman. Is it 134?

CHAIRMAN WEYLER: I'm sorry, 134. Can't even read my own writing. All right. 134. And I think I had that one down for Senator Watters. So we'll come back to that when

he's here.

Moving on to 26-1 -- next, it would be 141. And I think that was -- was that Senator --

CINDY ROSENWALD, State Senator, Senate District #13: {Inaudible}.

CHAIRMAN WEYLER: Yes. Okay. You're recognized and that's Department of Health and Human Services. And we see Mr. White is here. And I can't remember her name.

MARISSA HENN, Deputy Commissioner, Department of Health and Human Services: Deputy Commissioner Marissa Henn. Good to see you.

CHAIRMAN WEYLER: Thank you.

SEN. ROSENWALD: Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Senator Rosenwald.

SEN. ROSENWALD: Good morning. So, as I understand your explanation --

(Senator Watters enters the Committee room.)

SEN. ROSENWALD: -- currently there's no require -- no income threshold for legal guardians, except for grandparents who are legal guardians and retired, which we have passed Senator Watters' Senate Bill 608, which would count retirement as a work activity and make those grandparents eligible for the child-care scholarship. My question is would

that have to be paid for with state funds or could we use the federal funds to pay for those child-care scholarships for retired grandparents?

MS. HENN: Try. So we may have to get back to you on this. The -- um -- uh -- the bureau chief and -- uh -- who has the expertise over child care is out and the division director position is vacant, and so you get to have the least expert person kind of attempt to answer it. I mean, I think in terms of everything you're saying around the SB 608, when it comes to -- um -- grandparents and the ways in which even when a grandparent's income is excluded, they still might need to meet the work requirements. Can you repeat what the part is that you're asking could be funded potentially with general funds versus federal?

SEN. ROSENWALD: Uh -- grandparents who are retired and only because it's my understanding that in order to be eligible for the scholarship -- um -- for the federal funds you have to be working.

MS. HENN: That's right. And so that is what is being worked on with the federal office of child care. It -- which is part of the administration for children services is that -- um -- the -- the income would be counted for those grandparents. Um -- how that would be -- um -- the specifics

of that I would have to get back to you on.

SEN. ROSENWALD: Okay. Could I follow-up?

CHAIRMAN WEYLER: Further.

SEN. ROSENWALD: Thank you. How many grandparent guardians do we have?

MS. HENN: That's a great question. I do not have that number in front of me, but we can get back to you.

SEN. ROSENWALD: Great. Thank you.

CHAIRMAN WEYLER: Any further questions on the item?

MARY JANE WALLNER, State Representative, Merrimack County, District #19: I have a question. On Page 2 of the --

CHAIRMAN WEYLER: Representative Wallner, yes. Page 2.

REP. WALLNER: Page 2 of the item it says that you're going to make a change to remove the exemption for the income of legal guardians. Um -- Senator Rosenwald spoke about grandparents, but there may be other types of legal guardians other than grandparents; and do we have any idea how many would lose their eligibility?

MS. HENN: Hm -- that's a good question. And -- and just to reiterate -- reiterate the issue. So if a child

lives with his or her parent, the parents' income is counted and the normal child-care scholarship income limits apply. If the child's in the care of a legal guardian, the legal guardian's income, as Representative Wallner said, is not currently counted for purposes of determining eligibility. Um -- so -- so this is the nature of the change that's being contemplated and that this item, which will accept and expend funds for technology, will enable to be compliant with -- um -- what's required.

Um -- I can't tell you exactly what the impact would be on -- um -- impacted families; but similar to Senator Rosenwald, happy to get back to you with that number.

REP. WALLNER: Thank you. I would appreciate it. Thank you.

CHAIRMAN WEYLER: Any further questions on the item? President Carson.

SEN. PRESIDENT CARSON: Thank you. Since you're going to be looking up numbers, would you be able to get me the numbers of the relative caregivers? I mean, they -- they are legal guardians of children, especially if they've been placed there by the court. So it would be interesting to see the numbers for relative caregivers as well. Thank you.

MS. HENN: Absolutely.

CHAIRMAN WEYLER: Further questions.

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TIMOTHY LANG, State Senator, Senate District

#02: Move to approve.

CHAIRMAN WEYLER: Senator Lang moves to approve

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SEN. GRAY: Second.

CHAIRMAN WEYLER: -- item number 26-141.

Senator Gray seconds. Is there any further discussion? Seeing none. All in favor say aye?

(Chorus of ayes.)

CHAIRMAN WEYLER: Opposed no?

(No response.)

CHAIRMAN WEYLER: We've adopted 26-141.

*** {MOTION ADOPTED}

CHAIRMAN WEYLER: We'll return now to item 26-134.

SEN. GRAY: We could go back.

CHAIRMAN WEYLER: That's what I'm doing.

SEN. GRAY: Okay.

CHAIRMAN WEYLER: 26-134. And that's the Department of Energy.

JOSHUA ELLIOTT, Deputy Commissioner, Department

of Energy: Good morning, Mr. Chairman, Members of the Committee. For the record, Josh Elliot, Deputy Commissioner of Department of Energy.

CHAIRMAN WEYLER: Thank you, Commissioner.
Senator Watters is recognized for a question.

DAVID WATTERS, State Senator, Senate District #04: Yeah. Thank you, Mr. Chairman. And I'm sorry I was late. So thanks for holding off on this one. Hello, Josh. Good to see you.

MR. ELLIOTT: Good to see you, Senator.

SEN. WATTERS: And I appreciate the responses from the Energy Department over my -- my queries about when this program was going to get going, and how long you thought it would take to roll out, and how many people were involved. So would you mind talking over a little bit where you think you're at with getting the federal rules and procedures?

MR. ELLIOTT: Sure, happy to do so. So, the program in question is the IRA rebate program referred to as HEAR. So, this is for a variety of different electric appliances that are specified in federal statute that can receive a rebate -- um -- for households that are looking to install them in their homes.

Um -- this program has gone through a couple of

different iterations. Um -- the -- uh -- administration in Washington has begun to re-engage with the states on these programs after a pretty lengthy pause -- um -- for in-depth review by U.S. DOE. Um -- we are considered a ready-to-launch state -- um -- in which -- um -- we have essentially done all of -- most of the -- the -- of the -- um -- have met most of the benchmarks required by U.S. DOE. We have no conditions on our grant.

Um -- however, there is something that's still required that is called an approval for launch. Uh -- essentially, it's the final okay for -- from U.S. DOE that the state is ready to launch this program.

Um -- there's been a pause for about 18 months on states receiving those approvals. Um -- that is not to say that the Department hasn't been working. Um -- we've been -- we have contracted with an implementer. So, essentially be the frontward face of this program. Um -- but we are looking to, again, there's a number of caveats with this that are outside the control of the Department. Um -- that we're looking for a mid-November launch of this program, which folks would be able to apply for these various rebates.

SEN. WATTERS: Thank you for that. And -- um -- in terms of the personnel related to that, do -- do you -- you

have the budget line here temp, full-time, and so on, and so forth. And do you have -- is that person already there or is that somebody you know you can hire?

MR. ELLIOTT: Yes. So we have -- we had somebody. That person has left and took another job in other state service. That position is posted. We literally had an interview this morning with a prospective candidate for that position. However, we do -- there's still a supervisor position that oversees a couple of different programs. And she's been doing a great job making sure everything has been moving forward and -- uh -- sending everything to U.S. DOE that's been required.

SEN. WATTERS: If I may, Mr. Chairman, further question? Um -- so -- uh -- I saw the number. You don't really have a cue, but I saw the number of folks and I have some experience with this program. And it's such an important program, and I know people are, you know, anxious to be able to get the funding if it becomes available. Do you have any sense about, you know, I mean, how long this funding will last and what the draw will be in a given year or --

MR. ELLIOTT: It's hard to say. Um -- we have -- there's a -- there's -- um -- a handful of states that currently have live programs. We've seen the -- uh -- range

from, you know, a quarter of the funds being -- um -- allocated within a year, to some states seeing a slower uptick -- uh -- or request for rebates. So, a lot of it depends on what the program is designed as and what they're allowing as well. So it's -- it's hard to say exactly, but we also know there's been a lot of pent-up demand for these rebates. So we -- we're expecting to see sort of an initial wave of applications and then sort of it moderate further out.

SEN. WATTERS: If I may, one more, Mr. Chairman? Um -- so, I mean, this is a triply important program, and I think there is some kind of demand there, and so on, and so forth. And it's great we have the money and, you know, congratulations to all of you being ready for it. Um -- but -- um -- I'm wondering when it would make sense to have you back to give us an update? Would December make sense or --

MR. ELLIOTT: Um -- I -- I think it would be, because at least at that point the program would be open. We probably have some initial data points to provide the Committee.

SEN. WATTERS: So, Mr. Chairman, might we do that? Have him come back in December and just give us an update?

CHAIRMAN WEYLER: Very good.

SEN. WATTERS: Thank you very much. Thank you.
Thank you, Josh.

CHAIRMAN WEYLER: Senator Rosenwald, did you
have a question?

SEN. ROSENWALD: Yes, thank you. Thanks. This
\$26 million that we're going to accept -- um -- is that a draw-
down program or will that money actually come into the Treasury
once it's accepted and we can invest it and increase the other
funds revenue line item?

MR. ELLIOTT: Um -- unfortunately, it is a draw-
down program. So we're only allowed to -- uh -- once we get --
it goes through the entire reimbursement process, then we do a
drawdown from the system once a month.

SEN. ROSENWALD: Thanks.

CHAIRMAN WEYLER: Any further questions?

REP. MOONEY: One here, Mr. Chairman. Thank
you, Mr. Chairman. Thank you for being here. One benefit of
being on this Committee is to find out about things like this
and get details from your people like yourself. How is it,
though, that you're spreading the word to those who may be
eligible and could apply for this rebate?

MR. ELLIOTT: Thank you very much for the -- for
the question. Um -- so we have a couple of different venues.

We have our website which is currently just a state website at the moment. We have a signup. So, for example, if folks are interested they can e-mail IRA_Rebates@Energy.nh.gov. And I'll provide that to the LBA so you don't have to write it down immediately -- um -- and with just the subject line of subscribe, we'll add you to our list.

As Senator Watters alluded to, we've got north of 400 folks who are already signed up that way. Um -- once the program does go live, there is some marketing that will go along with it, with our implementer. There'll be a dedicated website. People will be able to upload their documents and things like that through that.

We also have a newsletter that the agency has. Um -- a lot of the folks who are on local energy committees, for example, are on that list. So those are sort of the frontline folks. And a lot of the towns who are focused on this issue who obviously know all the folks in town who might be interested as well. We do plan on doing -- um -- some public events, some public press releases and things like that once the program itself does go live.

We are working hand in hand with the Community Action agencies, especially for lower income folks. As they're putting together these projects as they're going into a home,

they may be able to identify there are other appliances that they -- that this household might be able to benefit from. Um -- so we're working with them.

We're also working closely with New Hampshire Saves, which provides the -- um -- energy efficiency programs -- um -- across the state. Um -- so a lot of the -- uh -- a number of the folks who are working in either this area directly or tangential areas. For example, our -- um -- you know, we've been talking to, having frequent conversations with. Um -- I -- I regularly attend the Energy Marketers Association quarterly meetings where they have a number of members who do HVAC work, in addition to doing oil and propane deliveries. Providing updates for them as well, so. You're welcome.

CHAIRMAN WEYLER: Further questions on item 26-134?

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SEN. WATTERS: Move to approve.

SEN. GRAY: Second.

CHAIRMAN WEYLER: Senator Watters moves to approve. Senator Gray seconds. Is there any further discussion? Seeing none. All in favor say aye?

(Chorus of ayes.)

CHAIRMAN WEYLER: Opposed no?

(No response.)

CHAIRMAN WEYLER: We have adopted 26-134.

*** {MOTION ADOPTED}

CHAIRMAN WEYLER: We'll next move on to 26-143, and that'll be Health and Human Services back up again. Okay. Mr. Lipman and Mr. White.

HENRY LIPMAN, Medicaid Director, Division of Medicaid Services, Department of Health and Human Services:
Good morning.

CHAIRMAN WEYLER: Good morning. Okay. I think Cindy Rosenwald --

SEN. ROSENWALD: Yeah.

CHAIRMAN WEYLER: -- had a question on this one.

SEN. ROSENWALD: Thank you, Mr. Chairman. I noticed in your response to our question that you said the State was expecting \$10 million of additional federal funds in this fiscal year. And I'm just -- my question is, is that amount of money able to offset any state funds anywhere?

MR. LIPMAN: I guess the short answer is no. Let me explain why. Is that when in that -- this program -- um -- the -- what the local community school system is providing is sort of considered the federal -- the general fund match.

And so what we're drawing down is additional federal funds.
 And by -- um -- changing our methodology more towards like what we do with nursing homes, like with a cost report, that we can better capture what their real expenses are, and that's what will bring it in.

Um -- I think the -- the additional income will come in. They have to complete a -- a year and then we do a cost report. So probably the -- the money in State Fiscal Year 27 we'll probably receive that payment sometime in '28.

** SEN. ROSENWALD: Thank you. Move the item.

SEN. GRAY: Second.

CHAIRMAN WEYLER: Senator Rosenwald moves to accept item number 26-143, second by Senator Gray. Is there any further discussion? Seeing none. All in favor say aye?

(Chorus of ayes.)

CHAIRMAN WEYLER: Opposed no?

(No response.)

CHAIRMAN WEYLER: That item is adopted.

*** {MOTION ADOPTED}

CHAIRMAN WEYLER: We're moving on to the next item, 26-144. This is the Department of Justice. Sorry about your arm.

TOM KAEMPFER, ESQ., Director of Administration,

Department of Justice: Thank you. Good morning. For the record, Tom Kaempfer. I'm the Director of Administration at Department of Justice.

CHAIRMAN WEYLER: Thank you. Representative Leishman has a question.

REP. LEISHMAN: Thank you, Mr. Chairman. I'm just curious of the three vehicles that you're looking to acquire.

MR. KAEMPFER: We don't have them picked out. We will go by the State contract, whatever vehicles are available within our budget. So it'll come off a local dealership based on the State contract.

REP. LEISHMAN: And one follow-up, Mr. Chair.

CHAIRMAN WEYLER: Yes, follow-up.

REP. LEISHMAN: So I was looking back through the correspondence, and it appears that goals and objectives had not been met, and the program was being transferred to the Department of Safety for narcotics investigation. Could you tell me more about that?

MR. KAEMPFER: Are you speaking specifically to reference to the grant or --

REP. LEISHMAN: Well, there's a letter going to a Winslow Lowe saying that --

MR. KAEMPFER: I --

REP. LEISHMAN: Okay.

MR. KAEMPFER: I'm sorry. Yes. So when we received this, the Drug Task Force was still in existence. This grant was back in 2021. Since then, the Drug Task Force has disbanded. Our -- two of our investigators have now been embedded with the NIU over at State Police. So we've taken any excess funds and give it over to State Police to help enhance narcotics investigations there.

REP. LEISHMAN: Okay. Thanks. Thanks, Mr. Chairman.

CHAIRMAN WEYLER: Further questions.

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REP. LEISHMAN: Move the item.

SEN. GRAY: Second.

CHAIRMAN WEYLER: Representative Leishman moves we adopt FIS 26-144. Senator Gray seconds. Is there any further discussion? Seeing none. All in favor say aye?

(Chorus of ayes.)

CHAIRMAN WEYLER: Opposed no?

(No response.)

CHAIRMAN WEYLER: We've adopted the item.

*** {MOTION ADOPTED}

CHAIRMAN WEYLER: Moving on to the next item is

26-146, and that is the Department of Safety. Good morning.

DERIKA OLDENBURG, Deputy Director, Division of Administration, Department of Safety: Derika Oldenburg. I'm --

SEN. GRAY: Commissioner Arlinghaus, could you join her at the podium, please?

CHAIRMAN WEYLER: Thank you. And Senator Gray is recognized for questions.

SEN. GRAY: Um -- my problem with this one is the amount of time it's overdue and whether or not I have a process problem. It would appear that I do have a process problem where people can spend money or obligate money that I don't have. So, that's why --

CHARLIE ARLINGHAUS, Commissioner, Department of Administrative Services: Charlie Arlinghaus. I'm the Commissioner of Administrative Services. I think, in fact, the opposite is true that you don't have a process problem. The process is what caught this. Um -- and we have a process where -- where we -- where we check things like this.

Um -- the -- the -- there's a time issue with -- with the spending. But -- um -- the payments don't go out -- um -- and the -- the -- the reversing of the lapse doesn't happen without having to go to Fiscal. So there's a -- there's

a G&C item that says the agency is going to have to do an accept and expend, and then what happened is -- um -- that may have got lost. But when the -- when the time came to move money -- um -- we -- we saw it. And our -- our budget office in this particular case said you can't move the money. You have to go back to Fiscal. And it doesn't matter that it was a year, a year and a half ago. You have to go back to Fiscal. Um -- and so what we do is -- what we do is we catch things and we assure the payments underlying contracts are there.

Do payments sometimes happen on contracts -- I'm not talking about this particular case -- where the contract has -- has expired? Uh -- invoices get submitted, but then you have to go back and get additional authority. It's why there are, for example, retroactive items. And if you follow any of the news of the Executive Council, you'll know that this has been a big issue with them for the last year, and with significant discussions about how the system works and what the upgrades to NHFirst that are ongoing right now are going to do for the calculation of multiple agency contracts and the -- and the overall spend.

SEN. GRAY: So there was no money spent between June of last year and now?

MR. ARLINGHAUS: I don't -- I don't know the

answer for that.

MS. OLDENBURG: The -- um -- the last payment that we made to the vendor was in July of this year, but that was from Fiscal Year 25 funding. So that was --

SEN. GRAY: How do I do that if I close the books?

MR. ARLINGHAUS: You -- um -- on contractual arrangements for a number of things. We use a construction contract as a great example. When -- uh -- when the contract is executed, the full amount of the contract is encumbered. At the end of the Fiscal Year, money that is encumbered against contracts -- um -- does not lapse. Um -- we carry forward, for example, in an -- in a given year, we typically carry forward hundreds of millions of dollars from the prior Fiscal Year. So when you sign a contract on something, you -- you have authority, and you have a funding base for that. And in the -- in the accounting system, to ensure that -- um -- to ensure that you have the money to spend, and that the money that was budgeted is being spent appropriately, it is encumbered -- it is encumbered in a certain line and for a certain purpose. And payments submitted can only be made if those encumbered funds are present.

Can the encumbered funds for contractual

arrangements, for example, carry forward across fiscal years? Yes. Many do routinely, regularly. So that happens. But when additional money beyond that is needed -- um -- it's not automatically there, if it's not encumbered. If you try to make a payment for something where the money has not been encumbered, because you do not have the authority, you did not have the contract, you do not have the budget, you may not do so. To make an unencumbered payment there's a section of Governor and Council items where you have to go to make an unencumbered payment. And I -- I'm going to use an example.

We did this once. We did -- um -- um -- ground work. Basically, dug a hole. And the -- and the grounds crew, this is about five years ago, the grounds crew -- um -- called a company that we done work with, had them come out, dig the hole. He sent us an invoice and we hadn't done a contract. We hadn't encumbered the money. I had to go to Council and -- um -- prostrate myself before them and -- and seek forgiveness for that. But that payment was not allowed to be made because the money was not encumbered and there was no contract.

SEN. GRAY: Okay.

CHAIRMAN WEYLER: Further questions from anyone?

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SEN. GRAY: Move the item.

CHAIRMAN WEYLER: Senator Gray moves the item.

Is there a second? Senator Rosenwald seconds. Uh -- we're the item. We're doing our job keeping track of money that we believe was done right. But -- uh -- this explanation is helpful. Thank you very much. All in favor say aye?

(Chorus of ayes.)

CHAIRMAN WEYLER: Opposed no?

(No response.)

CHAIRMAN WEYLER: Item is adopted.

*** {MOTION ADOPTED}

(7) RSA 604-A:1-b, Additional Funding

CHAIRMAN WEYLER: We'll now move on. Item -- Tab 6 has been dealt with in the Consent Calendar. We'll move on to Tab 7. And this is Judicial Council. I believe we have someone here from them. Mr. Buckley (sic).

JAY BUCKEY, Executive Director, Judicial Council: Good morning. Jay Buckey, Executive Director, Judicial Council.

CHAIRMAN WEYLER: Good morning. There's a request here for -- for -- uh -- more money, 5,500,000 in general funds. This is typical of things we do every year with Judicial Council. We don't know till we get into operation how much they'll need. Is there any questions from the Committee?

SEN. GRAY: Senator Lang.

CHAIRMAN WEYLER: Senator Lang.

SEN. LANG: Thank you very much. So my question is, so this is for the current Fiscal Year that just started in July?

MR. BUCKEY: Yes, councillor. Senator, sorry. Excuse me.

SEN. LANG: And it runs all the way through to June of next year?

MR. BUCKEY: Yes.

SEN. LANG: And we're going to front load some cash that you have available for later on in the year?

MR. BUCKEY: Correct.

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SEN. LANG: Mr. Chairman, make a motion, if I may? Make a motion that we adopt 50% of the request, and that they then come back in a future time. I want to make sure we're looking at the money we have in the bank account before we start doing one month fiscal years revenues {Inaudible}.

SEN. GRAY: Second.

CHAIRMAN WEYLER: Motion and a second to at this time not -- um -- appropriate 5,500,000 but half that amount. Further discussion. Senator Rosenwald.

SEN. ROSENWALD: Thank you. I'm going to vote for this motion, but my understanding is that we are required

constitutionally to spend this money whether we actually have it or not. So if we don't have the revenues, we'd have to get the money from some other program. It's not optional. Am I correct?

CHAIRMAN WEYLER: You are correct. But we have in the past not given it all out at once.

SEN. ROSENWALD: Right, right.

CHAIRMAN WEYLER: We've given it out in various quarters or -- or some other method of not giving it all out at once. So it's not unusual for us not to give all the request.

SEN. ROSENWALD: But eventually we're going to have to.

CHAIRMAN WEYLER: Eventually we realize based upon history that it's likely to be that much, maybe more.

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: Senator Gray.

SEN. GRAY: Certainly, with any of these requests, we are interested in the department, the commission, the whatever in being as conservative as they can. Okay. And, certainly, I would appreciate the request coming back lower in the year, but it may also come back higher at the end of the year. I do not know. But, again, we would encourage anyone who comes in with one of these requests to be as frugal as they

can be in the request or in this case if there is a subsequent request.

CHAIRMAN WEYLER: And, of course, we know that Mr. Buckley has no control over this. Whoever shows up at the door saying I'm going to court, and I need someone to represent me, he's stuck with it. So we know that he doesn't have that much control over it. But I think that if we -- if we went to half, he'd still make it through the fiscal months ahead and then come back when if -- if it weren't enough. Further discussion. Seeing none.

We have a motion before us to recommend only 50% of the 5,500,000. Further discussion. Shall we do this by roll call or show of hands? If there's no -- no objection, show of hands. All in favor raise your hand. One, two, three, four, five, six, seven, eight. Motion passes. Thank you.

MR. BUCKEY: Thank you.

***** {MOTION ADOPTED}**

CHAIRMAN WEYLER: You'll get -- you'll get some of your money, and we'll see you again.

MR. BUCKEY: Thank you.

(8) Miscellaneous

(9) Informational Materials

CHAIRMAN WEYLER: All right. We have other

information material. Are there any questions on any of the other items and look for a show of hands whoever would like to ask about any of these informational materials. I don't see any requests. Senator Watters.

SEN. WATTERS: Do you have somebody {Inaudible} Youth Development Center.

CHAIRMAN WEYLER: Youth Development Center. I don't know if we have -- yes, I see we have Administrator Barry here.

MR. BOYLE: Administrator Boyle here for the --

CHAIRMAN WEYLER: Boyle. I'm sorry.

MR. BOYLE: -- Youth Detention Center Settlement Claims Fund. The report that you have before you is --

SEN. GRAY: Bring the mic over towards you.

MR. BOYLE: Sure. The report that you have before you is virtually identical to the previous couple of months, because we just started last week with our hearings again. We've had twelve hearings so far, six a week. We anticipate about another 85 between now and the 1st of January. From those hearings over the past twelve hearings -- uh -- the claimants were asking for \$18.2 million. I awarded \$4.6 million. That's about 26 percent of what they were claiming and looking for, with the average claim amount being \$391,000.

That is the average award.

Now, we don't know whether or not the Attorney General's Office will accept those amounts. I suspect that they will. I don't know whether or not the claimants will accept those amounts. I suspect in at least one of those cases they won't, and they will elect to go to the Superior Court for a jury trial four or five years from now.

Uh -- the process with the Attorney General's Office and the claimants where they can settle without going through this procedure for a resolution hearing has picked up again, and there have been some agreements between the AG and the claimants' counsel that do not necessitate a hearing. That's a good thing.

I anticipate that as early as December we're going to start a mediation program with the AG's Office and claimants' counsel to see if we can mediate some of these hearings before they have -- mediate some of these claims before they have to come to a hearing. It makes a lot of sense to do that. And -- uh -- I've had a lot of enthusiasm from claimants' counsels who are eager to move forward with that process. So that's a good thing.

So things are going very well at this point. I'll be back before you next month asking for money. A lot

different environment. Uh -- but we'll be asking for the money to fund us through the rest of the Fiscal Year. I'll have a much better handle on it at that time after having another month's worth of hearings; and so another couple of dozen worth of hearings where we'll be able to get a better feel for what we're actually awarding through this process. But as I indicated, the average award thus far over the first twelve hearings has been 391,000.

By the way, those hear -- uh -- those awards are being paid anything that's more than -- uh -- \$450,000 is being paid out over a ten year period.

The other thing I wanted to tell you about is something that I know has concerned you in the past and that is the amount of the attorney's fees. The statute allows for attorney's fees of one-third of the award. Every award that I am issuing we are giving the total dollar amount. We are then breaking it down to what the claimant would get and what the attorney would get over a period of whatever years that award is based upon 33%, and also based upon 25%. I'm encouraging counsel to come in at 25%, not the 33%. And, of course, that gives their claimant more money.

So claimants' counsel are arguing in this case -- uh -- over the last two weeks for \$18.2 million. We awarded

4.6. Um -- every dollar that the attorneys take is a dollar that the claimant is not going to get. So the incentive, of course, is for the attorney to -- uh -- talk to his claimant and discuss whether or not it's reasonable for the 25% or the 33%.

There will be some cases where the statute says that I can award up to 33%. There will be some cases where we discover that the attorneys have not done that much at all and it's not going to be even 25%. But we will look at those all individually. I haven't seen one of those cases yet, but I'm told by my staff that there are most likely several in the file that are like that.

So I'm open for questions.

CHAIRMAN WEYLER: Senator Watters.

SEN. WATTERS: Thank you, Mr. Chairman, and thanks so much for being here and for your good work. And I think you did address some of my -- um -- questions, but I did want to just -- uh -- get a sense of where you think we're heading, not just for the rest of this year but in the -- in the future. I see the average settlement amount and how you're going through the process. And I know what the last time when you made your request we gave you a smaller amount. Um -- would you imagine that your request is going to be around the

full amount that you came in with when you last spoke with us?

MR. BOYLE: I think it is. I'll probably be asking for that additional amount next month. But I will have a much better handle on that after we've done another couple of dozen cases.

Uh -- as you know, the -- um -- the history of this has been the average amount has been 601,000, not the 391 that I approved in the last two weeks.

SEN. WATTERS: If I may follow-up?

CHAIRMAN WEYLER: Follow-up.

SEN. WATTERS: Do you think when you come back to us sometime having had more experience with the new process you put in place you'll have some kind of sense to be able to project over the next year or two as to where you think we're going to be at in terms of need?

MR. BOYLE: No doubt. There's no doubt in my mind I will.

SEN. WATTERS: Thank you. And if I may, one last. Um -- not that you would ever read the tea leaves. Do you have any sense about when we might hear about the large claim that's in the courts?

MR. BOYLE: Have no idea. I'm no longer part of the Judicial Branch. Even if I was -- uh -- I couldn't

speculate on that. Um -- the -- as you all know, the Chief Justice is out on medical leave at this point -- uh -- which leaves four justices there. I have no idea whether or not they would issue that decision without a full court, whether they bring somebody else on. I have no idea. But --

SEN. WATTERS: But it could be in this next year potentially.

MR. BOYLE: Oh, I would be shocked if it wasn't.

SEN. WATTERS: Yeah, thank you.

MR. BOYLE: Yes.

SEN. WATTERS: Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Senator Gray and then Senator Rosenwald.

SEN. GRAY: My concern about coming in next month is that the review that we're doing on the budget isn't supposed to happen until October; right?

CHRISTOPHER SHEA, Deputy Legislative Budget Assistant, Office of Legislative Budget Assistant: Are you speaking to the ACFR? The draft ACFR is due to our office September 30.

SEN. GRAY: So, again, knowing what our financial position is isn't going to happen by this meeting next time. So it may actually be better if you talk to LBA and

maybe even break the request up into two parts or whatever; but I'm not telling you you have to do it.

MR. BOYLE: If it makes more sense we can certainly do it all in October, because we have enough money to get us through the end of this year, this calendar year. So -- uh -- that makes a lot more sense than people having to deal with this twice.

SEN. GRAY: Again, that's, you know, talk to LBA about what's happening, what's going on. Um --

MR. BOYLE: We will.

CHAIRMAN WEYLER: We don't know yet the surplus we'll have at the end of the year, which is why when you asked last month we couldn't give it all because we didn't know what the surplus would be or what other demands there might be on the surplus.

MR. BOYLE: I understand.

CHAIRMAN WEYLER: So, we'll wait and see what we get. Senator Rosenwald.

SEN. ROSENWALD: Thank you. Um -- just curious if you're prioritizing the hearings in certain ways or are you taking them like -- like the first ones filed you're dealing with?

MR. BOYLE: Yeah, it's a great question, and the

answer is yes to both. We -- we are taking them -- uh -- in the order in which the claims were complete, not when they were filed, but when all of the information was complete in that file.

SEN. ROSENWALD: Okay.

MR. BOYLE: But we are making exceptions and we're putting in some cases where -- uh -- people are very elderly, where they are ill -- uh -- medical issues, we're moving some of those to the head of the -- the line. But, generally speaking, we are trying to do these in the order in which they were completed.

We have hearings scheduled throughout the year or throughout the rest of this year. Um -- we're going to be -- uh -- visiting both the -- uh -- New Hampshire State Prison in Concord and the New Hampshire State Prison in Berlin for some of those hearings.

SEN. ROSENWALD: Thank you.

CHAIRMAN WEYLER: Further from the Committee Members? I appreciate the changes you've made, Administrator Boyle, and -- and look forward to seeing some further changes that will make this thing. And I -- I agree with you that especially if -- if the lawyer has done 10 cases, he doesn't put the same effort into the last five or six as he did in the

first two or three.

MR. BOYLE: No.

CHAIRMAN WEYLER: So it shouldn't be anywhere near a third.

MR. BOYLE: I understand. And please reach out any time any one if you have any questions about the process, about anything at all. We're eager to assist and -- and get you that information. Thank you very much.

CHAIRMAN WEYLER: Thank you. All right. I guess the next item, anything from Mr. Shea?

SEN. LANG: One more. So, could I ask Jennifer --

CHAIRMAN WEYLER: Yes.

SEN. LANG: -- from DRA. I want to ask --

CHAIRMAN WEYLER: Okay.

SEN. LANG: {Inaudible}.

CHAIRMAN WEYLER: Okay, DRA.

JENNIFER RAMSEY, ESQ., Tax Policy Council, Department of Revenue Administration: Good morning. Jennifer Ramsey, Tax Policy Counsel for the Department of Revenue Administration. I'm really curious what you're going to ask.

SEN. LANG: Well, actually, this year I was surprised, I remember we didn't -- we never talked about

refunds on the interest and dividends account, the I&D accounts. And we were surprised we had a lot more money in our surplus, you know, if we didn't have those. And I'm wondering, do we still have a significant amount of money on the record -- on the books for I&D that is going to be refunded ultimately and is it all gone?

MS. RAMSEY: I -- I -- it's not all gone, but it is mostly gone. There's very little left that we know of. Doesn't mean somebody couldn't come approach us with an amended return and then I&D refund tomorrow. But, for the most part, that -- that refund stream is going away to the point that we have so little data for this current quarter we're going to stop reporting on it, because we would have so few taxpayers we would risk a confidentiality violation.

SEN. LANG: {Inaudible}.

CHAIRMAN WEYLER: We're also surprised how late some of these payments have come in since we stopped this over a year ago charging this tax, but we're still getting a million dollars or more coming in.

MS. RAMSEY: Every once in a while. We -- I think the amnesty program was a piece of that as well. Um -- we had some taxpayers that -- that got on the books just in time to get back off the books.

CHAIRMAN WEYLER: Amazingly successful. Thank you for -- for doing that program. Anything further while we have all these experts here? Thank you very much.

All right. So, Mr. Shea, I guess next we're moving on to date of next meeting, unless you have something else.

MR. SHEA: No, that would be correct, Mr. Chair.

CHAIRMAN WEYLER: All right. So I had discussions with Mike Kane and came up with the third Friday for the next three months. So for next month we're looking at September 18th. I hope we can set that 11 o'clock on September 18th. For the two following months, the third Fridays would be October 23rd and November 20th; but we won't nail those down until the next meeting. But, tentatively, if you want to plan for it, that's the way we're kind of leaning for October 23rd and November 20th. But the only one I want us to approve now is September 18th at 11 o'clock if that's --

SEN. GRAY: I do have a USNH Board of Trustees meeting, but --

CHAIRMAN WEYLER: On that day?

SEN. GRAY: -- I can -- I can be replaced.

CHAIRMAN WEYLER: Okay.

SEN. ROSENWALD: {Inaudible}.

SEN. PRESIDENT CARSON: At 11?

CHAIRMAN WEYLER: Eleven. Does that -- does that interfere with that caucus?

SEN. ROSENWALD: Yes {Inaudible}.

CHAIRMAN WEYLER: Okay. So 11 o'clock September 18th will work for all the members here; and I guess we don't know about Senator Birdsell yet, but she'll get the word.

All right. Without objection, we'll set that time and date, September 18th at 11 o'clock. Anything else to come before us? Motion to adjourn.

{Inaudible.}

CHAIRMAN WEYLER: All in favor?

(Chorus of ayes.)

CHAIRMAN WEYLER: We are adjourned. Thank you very much. Thank you for all the experts who came and thank you for the LBA for your fine work.

(The meeting adjourned 11:50 a.m.)

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

I, Cecelia A. Trask, a Licensed Court Reporter in the State of New Hampshire, do hereby certify that the foregoing transcript is a true and accurate transcription of the official YouTube audio/video recording. I was not physically present and have transcribed said audio/video recording to the best of my ability, skill, knowledge and belief.



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