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Sent: Saturday, September 9, 2017 1:23 PM

To: Meyers, Jeffrey

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Subject: Your August 31st Letter

September 9, 2017

Dear Commissioner Meyers:

Thank you for your letter of August 31, 2017, relating to the Sununu Youth Services Center and the juvenile justice reforms in HB 517 (2017).

I'm concerned that the letter may not meet the requirements and purpose of the legislation and so have scheduled a special meeting of the Fiscal Committee to consider the matter. The meeting will take place on Wednesday, September 13, 2017, at 1 p.m. in Rooms 210/211 of the Legislative Office Building.

Of particular concern is this paragraph in part III of the letter:

"The new law also requires the department certify by January 1, 2018, at least one eligible residential treatment facility for the transfer of committed youth who are "not serious violent offenders" and a second such facility on or before July 1, 2018. The statute further requires that these facilities increase the state's placement capacity for committed youth who are "not serious violent offenders" by at least 35 beds. The legislation appropriates up to \$8.7 million dollars for the development of this additional placement capacity and for the rates needed to support the facilities."

My concerns include the following:

- Your language suggests that the appropriation is to be used solely for the facilities required in section 159, while the bill directs that the funds be used for the requirements of section 165, which include broad improvements to the service system, not merely the section 159 facilities, and references both "residential and other treatment settings."
- Your language also refers to the appropriation as "up to \$8.7 million," while section 175 directs that "no less than" that amount be used for the purposes outlined in section 165.
- Your language states that the additional bed capacity is to come from the section 159 facilities, while section 165's required capacity increase does not refer to those facilities. Moreover, additional capacity is to be in place by January 1, 2018, while the second facility does not need to be certified fully until July of 2018, which should make it clear that the two requirements are separate and distinct. The legislation anticipated that, with appropriate rate and programmatic improvements as required by section 165, the additional capacity would be attained at least in part from existing facilities.

I am also concerned that your letter may not meet the requirements of section 165:

"[T]he commissioner shall evaluate the adequacy of the service system and ensure that sufficient alternative placement capacity is in place . . . On or before September 1, 2017, a plan for development of such capacity shall be provided to the fiscal committee"

Your letter indicates that the evaluation has not been conducted and that the time frame for such evaluation "will be determined." Given that the evaluation has not even begun, and that your letter does not address the components of the plan required by section 165, I wonder whether your letter complies with the law.

Finally, your letter may have misinterpreted the scope of the additional capacity required by section 165 by limiting it to only committed youth. The section refers to capacity for children "placed" at the Sununu Center, which includes both committed and detained youth.

I anticipate that these and other issues related to the juvenile justice system will be the subject of the special meeting.

Respectfully,

Neal M. Kurk

Chairman

Joint Legislative Fiscal Committee