

LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE MINUTES

March 18, 2024

The Legislative Performance Audit and Oversight Committee met on Monday, March 18, 2024 at 10:00 AM in the LOB Room 212.

Members in attendance were as follows:

Rep. Ken Weyler
Rep. Gerald Griffin
Rep. Lucy Weber
Rep. Keith Erf
Rep. Mary Jane Wallner
Sen. Cindy Rosenwald, Chair
Sen. Carrie Gendreau
Sen. Rebecca Whitley
Sen. Howard Pearl
Sen. Timothy Lang

The meeting was called to order by Senator Rosenwald at 10:00 AM.

VOTE ON ACCEPTANCE OF THE AUGUST 11, 2023 MEETING MINUTES:

On a motion by Senator Lang, seconded by Senator Gendreau, that the minutes of the August 11, 2023 meeting be accepted. **MOTION ADOPTED.**

STATUS OF ONGOING PERFORMANCE AUDITS:

Christine Young, Director of Audits, provided the Committee with brief updates of ongoing performance audits:

- Mental Health Workforce Licensing – the audit is complete and was presented to and released by the Fiscal Committee in October 2023.
- Special Education Dispute Resolution Process – the audit is complete and was presented to and released by the Fiscal Committee on March 15, 2024.
- Commission for Human Rights – we are near the end of the audit, and we expect to provide a draft report to the Commission in the next few weeks.
- State Oversight of Special Education – we estimate we are approximately halfway through the audit. The audit scope is very large, involving numerous federal and state laws. We

expect a lengthy report with over 40 observations. We anticipate having a completed draft report by the end of the year. There was a discussion of the scope of the audit, but no additional action was taken.

- Secretary of State's Archives and Records – this Committee approved the audit at its last meeting in August, and the Fiscal Committee approved the topic in September. It was Secretary Scanlan's position that the Archives may not be subject to a performance audit. He asked the Attorney General's office to review whether or not a performance audit can be performed. We have not received any further information; therefore, we are unable to move forward with an audit until this matter is resolved.

After much discussion with the Secretary of State and Sr. Assistant Attorney General Christopher Bond, the Committee voted to remove the Secretary of State's Archives and Records audit. On a motion by Representative Weyler, seconded by Senator Lang. **MOTION ADOPTED.**

- Department of Education Freedom Account (EFA) Program – HB 1135 requires a performance audit of the NHED EFA Program. An entrance conference with the Department took place on January 9, 2024. During the planning phase, we encountered a scope limitation which could significantly affect our ability to move forward with the audit possibly envisioned by the legislature.

There are ambiguities in the language of HB 1135 and the NHED contract with the Children's Scholarship Fund that has created a scope limitation for the LBA. The NHED and its AG representative have a different interpretation of the chapter law and the NHED contract than that of the auditors. The Commissioner identified a number of concerns he had with the LBA's approach. Mike Kane, Legislative Budget Assistant, told the Committee the auditors will continue to work with the NHED to determine what can be audited.

SUSPENDED, TABLED, AND POTENTIAL AUDIT TOPICS:

- Department of Environmental Services Appeals Process – Representative Smith on behalf of the Judiciary Committee spoke, as the Department has four different appeal boards (Air Resources, Water, Waste Management, and Wetlands), leading to the introduction of HB 1614. Representatives McWilliams and Manos clarified that a potential performance audit could broadly cover the appeals process as a whole. The topic remains on the list of potential audits.
- Bureau of Elderly and Adult Services – was suspended in November 2021 due to a legal proceeding, and no update has been received. The topic remained tabled.

- Public Access to Bodies of Water – was tabled due to another committee potentially being responsible for the issue. The topic remained tabled.

Senators Lang and Pearl suggested the LBA provide a briefing regarding long-tabled topics to inform members of the committee for the next meeting.

- Interplay between DHHS Division of Children, Youth, and Families and the Bureau of Children’s Behavioral Health – remained on the list of potential audits.

DATE OF NEXT MEETING AND ADJOURNMENT:

Next meeting is scheduled for April 29, 2024, at 9:00 AM. Senator Rosenwald adjourned the meeting at 12:38 PM.


Sen. Cindy Rosenwald, Chair