MINUTES LOG
June 25, 2019
10:31 AM
172

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ROLL CALL

Members Present:
Sen. Dee Brown, Chair (R)
Sen. Jason Ellsworth
Sen. John Esp
Sen. Pat Flowers
Sen. Mary McNally (D)
Rep. Denise Hayman, Vice Chair (D)
Rep. Kim Abbott (D)
Rep. Dan Bartel (R)
Rep. Tom Burnett (R)
Rep. Emma Kerr-Carpenter (D)
Rep. Matt Regier (R)

Members Excused:
Sen. Tom Jacobson
CALL TO ORDER/ROLL CALL (Attachment 3)

10:32:00 The Legislative Audit Committee met in room 172 of the State Capitol Building. Chair McNally called the committee to order at 10:31 a.m. noting the presence of a quorum. The secretary took role and Sen. Jacobsen was excused.

APPROVAL OF FEBRUARY 2019 MINUTES

Motion
10:32:00 Sen. Brown moved the committee approved the minutes from February 2019.

Vote
10:32:58 Carried unanimously by voice vote.

NEW MEMBER INTRODUCTIONS

10:33:08 Legislative Angus Maciver took the podium to speak about new members. The new members were Sen. Jason Ellsworth, Sen. John Esp, Sen. Pat Flowers, and Sen. Tom Jacobson (who was not present).

10:34:43 Sen. Ellsworth introduced himself to the committee members.

10:35:13 Sen. Pat Flowers introduced himself and spoke about his previous time in state government.

10:35:59 Sen. John Esp introduced himself and spoke about being a part of LAC about 18 years ago

INTRODUCTION OF NEW STAFF

10:36:34 Ms. Jorgenson introduced the newest full time financial-compliance auditor Flora Waske. Also introduced were the three-new financial-compliance interns Stephanie Bartmess, Donald Erdmann, and Jessica Schmitz.

ELECTION OF OFFICERS

10:40:41 Chair McNally gave some background on election of officers and noted they had two-year terms in leadership, change in chambers/parties and had a commitment to being nonpartisan. Chair McNally opened nominations for new leadership, and commented on the privilege it had been to be chair.

10:41:43 Sen. Esp elected Sen. Brown as Chair of the LAC.

10:42:15 Sen. Brown stated she would serve as chair but noted the gap in leadership as she would be finishing her term December 2020.


Motion

Vote
10:43:14 Carried unanimously by voice vote.
Sen. Brown spoke about Chair McNally doing a great job and thanked her and Rep. Burnett for their service.

Chair Brown opened nominations for Vice Chair


Chair Brown seconded Sen. McNally.

Motion
10:44:39 Chair Brown moved the committee elect Rep. Hayman as Vice Chair.

Vote
10:44:49 Carried unanimously by voice vote.

Chair Brown opened nominations for the LAC Secretary.


Motion
10:45:36 Chair Brown moved the committee elect Rep. Kerr-Carpenter as Secretary.

Vote
10:45:52 Carried unanimously by vote

Sen. Brown took the podium and proceeded to a round table of introductions.

Deborah F. Butler introduced herself and stated she was with the division 7 years and spoke about her poodles that performed nose work.

Sen. Brown asked Sen. Esp what was new in his life and he answered in a joking manner about his age.

Rep. Matt Regier was born in raised in the Flathead Valley and he liked Indian food and water skiing.

Rep. Bartel spoke about being from Lewistown and how he floated the Colorado River for 12 days.

Sen. McNally introduced herself as being from Billings and that her goal was to do more traveling, but she did spend a few weeks in Newfoundland.

Rep. Hayman House introduced herself from District 66 and had just got off the Smith River.

Legislative Auditor Maciver introduced himself as the Legislative Auditor for past three years, 16 with the office, and he was a proud father of three young boys.

Ms. Radovich introduced herself as the administrative assistant and enjoyed anything outdoors.

Rep. Abbott House District 33 and she enjoyed listening to live music.

Sen. Ellsworth stated he was dealing with after session duties and that he was a pilot, and shootist.

Rep. Burnett spoke about living across the state throughout his life.

Sen. Flowers just got back from Nashville.


Prioritization of Performance Audits for Fiscal Year 2020
Legislative Auditor Maciver introduced the prioritization of performance audits and gave some background information and introduced Will Soller, Performance Audit Manager.

Presented by Will Soller, Performance Audit Manager and he gave a high overview of how the performance prioritization process worked. (Exhibit 1)

Rep. Burnett asked Mr. Soller about the numbers behind the scoring/ranking sheets.

Rep. Burnett asked if the formula we use for prioritization was similar to other states.

Sen. Ellsworth spoke about the CHIPS program, and that he thought it should be on the prioritization list.

Legislative Auditor addressed Sen. Ellsworth's request to amend the performance prioritization list.

Sen. Brown asked Legislative Auditor Maciver if Sen. Ellsworth's interest in specific topics could be added.

Sen. Brown spoke about specific questions and topics.

Rep. Bartel followed up to Sen. Ellsworth's comment about the CHIPS program, and commented on also being interested in prioritizing that.

Angus Maciver emphasized on managing the audits and how staff was able to prioritize and keep consistency.

Rep. Bartel said that the CHIPS issue was introduced to legislators after they had started prioritization works.

Rep. Abbott spoke about the process of audit prioritization.

Sen. Brown stated members could add CHIPS to the bottom of their scoring sheets.

Sen. Ellsworth spoke about CHIPS again and how it needed to be looked at and needed to be on the prioritization list.

Sen. McNally spoke about getting off topic.

Chair Brown noted the committee should vote on the addition of CHIPS.

Sen. McNally interrupted and stated she thought members could add on their own but not do a vote.

Motion

Sen. Ellsworth moved the committee add the CHIP topic.

Vote

The motion failed on a roll call vote, 8-3. (Exhibit 2)

Rep. Bartel asked Mr. Soller about the agency management of hiring practices.

Rep. Abbott asked Mr. Soller about hiring practices appearing to be at an increase? Question was referred to Legal Counsel, Deborah Butler.

Sen. McNally asked Ms. Butler about investigating the hiring practices topic and how the hotline tied into that.

Sen. Esp asked about verification of residency for Medicaid.

Legislative Auditor Maciver spoke about the audit of Medicaid fraud waste and abuse and how it didn’t cover a wide spectrum. That audit prompted the idea to look into other areas of the Medicaid program and eligibly factors.

Sen. Esp asked about expanding residency and assets income verification
11:30:44 Legislative Auditor Maciver stated the request came from the Majority Office.

THE MONTANA PRESCRIPTION DRUG REGISTRY (18DP-01)

11:33:06 Presented by Amanda Sayler, Information Systems Auditor (Exhibit 3)
Present from agency:
Department of Labor and Industry-Board of Pharmacy
Kathleen O’Leary, Deputy Commissioner
Marcy Bough, Executive Officer, Board of Pharmacy
Judy Bovington, Chief Legal
Todd Younkin, Administrator, Business Services Division

Committee Questions of LAD Staff

11:50:17 Sen. Brown asked Ms. Sayler if pharmacists had been put in uncomfortable positions. Ms. Sayler deferred the question to the department.


11:52:40 Rep. Hayman spoke about the registry only covering MT and asked if there was a federal agency that oversaw all states.

11:53:40 Rep. Hayman asked Ms. Sayler about following up with patients, what was the process.


11:54:52 Sen. McNally asked Ms. Sayler about the database

11:55:46 Sen. Flowers pointed out all the problems with the system. He asked Ms. Sayler if there was internal analysis before the audit.

11:56:31 Rep. Kerr-Carpenter asked Ms. Sayler to explain where the grant was individually awarded.

11:58:00 Sen. Brown asked Ms. Sayler about appropriation amounts.

Committee Questions of the Agency

11:58:31 Sen. Brown noted how Director Hollenbaugh had called committee members to let them know of his absence.

11:58:43 Kathleen O’Leary introduced herself as the Deputy Commissioner and she apologized for Commissioner Hollenbaugh’s absence.

11:59:36 Exhibit was handed out by Ms. O’Leary and she went over the documents. (Exhibit 4)

12:07:23 Rep. Emma Kerr-Carpenter asked Ms. O’Leary if she could provide the committee with information about how a typical provider would use the registry.

12:07:54 Sen. Brown asked Ms. O’Leary what kind of funding the registry received for their new program platform. The question was deferred to Todd Younkin

12:09:06 Sen. McNally asked Ms. O’Leary about additional FTE and if they had the funding.


12:18:13 Sen. McNally asked Ms. Bough about responses to the potential risks of the new system being implemented.

12:23:00 Sen. McNally spoke on the board being more involved in the future.
Sen. Brown suggested pharmacy registration demographics be brought up for the next board meeting.

Sen. Flowers commented on only one FTE to run a brand-new program and suggested internal program review and asked Ms. O'Leary if any of that was "in the works."

Sen. Ellsworth asked Ms. Bough about the current platform being used from 2011, was that an internal program or was it a vendor.

Sen. Ellsworth asked Ms. Bough how much was spent on the current program.

Sen. Ellsworth asked Ms. Bough if she had gone to pharmacies and providers and asked if this new program would be easily integrated with different providers etc.

Sen. Ellsworth asked Ms. Bough if the other states would also be compatible with the new platform.

Sen. Brown referred to the information on pages 6-7 of the audit report and asked Ms. Bovington why it took 8 months to get the LAD the data needed to finish the audit.

Chair Brown asked Legislative Auditor Maciver to speak to Ms. Bovington's blame of the late audit on potential data breaches etc. Legislative Auditor Maciver spoke to the committee about how the LAD asks all agencies for the same information that is needed for audits and explained Governmental Auditing Standards. He also explained that the LAD had certain policy and procedures in place that made sure there were no data breaches, he highlighted the fact that the LAC members should not accept the excuse Ms. Bovington gave for the delayed audit.

Sen. Brown asked Legislative Auditor if there had ever been any data breaches at LAD.

Sen. Brown stated she appreciated the handouts from the department and that she looked forward to the director updating the LAC with implementation of findings.

Public Comment
None

Motion
12:47:44 Sen. McNally moved the committee acknowledge receipt of the report, that it was reviewed by the committee, filed, and that copies of the audit report be distributed in accordance with law.

Vote
12:47:55 Carried unanimously by voice vote.

LUNCH

UNIVERSITY OF MONTANA (17-10B)
13:18:12 Presented by Jessica Curtis, CPA, Financial-Compliance Senior Auditor
Present from agency:
Seth Bodnar, President
Paul Lasiter, Vice President, Operations & Finance
Anta Coulibaly, Director, Internal Audit
Kathy Burgmeier, Enterprise Risk Manager
Committee Questions of LAD Staff
None

Agency Response
13:24:07 President Bodnar thanked LAD staff and spoke about the importance of the audit process. [Exhibit 5]

Committee Questions of the Agency
13:25:23 Rep. Hayman asked President Bodnar for a summary of his leadership for UM.
13:29:22 Sen. Brown asked Seth Bodnar if the university monitored the number of students per professor and how often if so. She asked for a percentage of remedial students that were taught.
13:31:55 Sen. Brown commented on her concerns of students that weren't prepared to enter college.
13:33:29 Tyler Trevor, Deputy Commissioner of OCHE took the podium and talked about some statistics and answered Sen. Brown’s question about percentage of remedial students.
13:34:18 Sen. Brown asked Mr. Trevor if the legislature required one more year of math in high school if that would be helpful.
13:34:41 Rep. Burnett asked President Bodnar about administrative costs in tandem with enrollment decline in the last few years.
13:35:16 Sen. Ellsworth asked President Bodnar about future programs and what they would be centered around.
13:39:47 Sen. Ellsworth commented on dropout rate, and asked President Bodnar if the university had reached out to those students that had dropped out and why.

Motion
13:42:39 Sen. McNally moved the committee acknowledge receipt of the report, that it was reviewed by the committee, filed, and that copies of the audit report be distributed in accordance with law.

Vote
13:42:26 Carried unanimously by voice vote.

MONTANA STATE UNIVERSITY (17-11B)
13:43:17 Presented by Alexa O'Dell, CPA, Financial-Compliance Audit Manager

Ms. O'Dell explained that President Dr. Waded Cruzado could not be present, but that Commissioner Christian would stand in her place.

Present from agency:
Terry Leist, Vice President, Administration & Finance

Committee Questions of LAD Staff

Agency Response
Clayton Christian, Commissioner of Higher Education introduced himself and thanked the LAD staff. He opened himself up for questions and spoke on Dr. Cruzado’s absence.

Rep. Hayman asked Commissioner Christian for an update on the structural problems on the two buildings. Question was deferred to Mr. Leist.

Sen. Flowers spoke on his opportunity to visit the building and he commented on how impressed he was.

Sen. McNally spoke on her concern about the other three campuses not doing as well as Bozeman.

Public Comment
None

Motion
Rep. Bartel moved the committee acknowledge receipt of the report, that it was reviewed by the committee, filed, and that copies of the audit report be distributed in accordance with law.

Vote
Carried unanimously by voice vote.

MONTANA UNIVERSITY SYSTEM COORDINATION OF STUDENT ENROLLMENT AND ADMINISTRATIVE SERVICES (18P-01)

Presented by Alyssa Sorenson, Performance Auditor (Exhibit 6)

Present from agency:
Office of the Commissioner of Higher Education
Clayton Christian, Commissioner
Tyler Trevor, Deputy Commissioner, Budget & Planning
Joe Thiel, Director, Academic Policy & Research
Casey Lozar, Board of Regents

Committee Questions of LAD Staff
Sen. Brown referred to high satisfaction and asked Ms. Sorenson if there was a correlation between positive answers, if they were the ones that usually got answered.

Sen. Brown asked Ms. Sorenson about the different campus websites/apps.

Sen. Ellsworth asked Ms. Sorenson if the survey was third party or if it was done in house.

Agency Response
Commissioner Christian introduced himself, thanked the LAD staff, and spoke on the audit and responses in detail.

Committee Questions of the Agency
Sen. Brown asked Legislative Auditor Maciver to speak about the correlation of the university system and the oversight role of the legislature.

Sen. McNally asked for clarification from Commissioner Christian on the changes in reporting structure.

Sen. Brown asked Commissioner Christian about interpretation of policy per each university.

Sen. Ellsworth asked Commissioner Christian about when shared service were initialized.
Sen. Ellsworth asked Commissioner Christian for a timetable on shared resources.

Sen. Flowers inquired of Commissioner Christian differences in IT services between the university system and ITSD.

Sen. Brown asked Commissioner Christian about FTE within their office. The question was deferred to Mr. Trevor.

Sen. McNally requested that in the next audit they detail FTE's as to how they were funded as she thought that accounted for some of the confusion.

Public Comment
None

Motion
14:54:35 Sen. Esp moved the committee acknowledge receipt of the report, that it was reviewed by the committee, filed, and that copies of the audit report be distributed in accordance with law.

Vote
14:54:56 Carried unanimously by voice vote.

BREAK
14:55:29 Reconvened at 15:05:42

OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION (18-06)
15:05:42 Presented by Mary Currin, Financial-Compliance Senior Auditor

Present from agency:
Clayton Christian, Commissioner
Tyler Trevor, Deputy Commissioner
Jamie Dushin, Accounting Manager
Casey Lozar, Board of Regents, Chair

Committee Questions of LAD Staff
15:18:35 Rep. Burnett asked Ms. Currin how thorough the travel business needs were documented.

15:19:52 Rep. Burnett asked Ms. Currin how well business travel needs were documented within other state agencies.


15:21:07 Sen. Brown looked for further clarification on the 43 employees that were chosen for the Vegas conference and asked Ms. Currin what the reasons were, why they were chosen. Ms. Currin stated she thought that was a question for the agency.


Agency Response
15:22:49 Clayton Christian, Commissioner of Higher Education introduced himself, thanked LAD staff, and addressed results of the audit.
Committee Questions of the Agency

15:31:41 Sen. Ellsworth asked Commissioner Christian about mandatory staff training, if it was required pre audit.

15:33:10 Sen. Ellsworth brought up overnight stay trips and asked Commissioner Christian if they were state employees. He also asked if they were compensated.

15:34:27 Sen. Ellsworth looked for clarification from Commissioner Christian and asked him specifically about the employees that were paid to attend the football game, if they would be asked to reimburse the state.

15:35:04 Rep. Burnett asked Commissioner Christian about how many light duty vehicles their agency had.

15:35:32 Rep. Bartel commented on internal control within investments and asked Commissioner Christian about the MT family education trust and how that money was invested. The question was deferred to Mr. Trevor.

15:38:01 Rep. Hayman referred to travel being kept at an absolute minimum and asked Commissioner Christian what exactly was the “absolute minimum”.

15:40:26 Rep. Hayman made a comment about OCHE setting the standard for education and she was disappointed in the audit and she hoped things would be turned around by next audit.

15:41:41 Chair Brown concurred with Vice-Chair Hayman and also spoke on how the audit was embarrassing. She also commented on the board meetings during the Griz game being very short and wouldn't of warranted overnight stays. She did comment that she appreciated how their agency visited other campuses across the state.

15:45:08 Committee request: Rep. Bartel commented on investments and assets, specifically return on investment and asked Commissioner Christian if the Board of Investment could manage that. Rep. Bartel requested it be noted as a committee request and reported to LAC members.

15:46:55 Sen. Esp asked Chair Brown and Legislative Auditor Maciver about follow-up to questions asked during LAC, as far as follow through of promises made.

15:47:31 Legislative Auditor took the podium to explain to Sen. Esp that in two years LAD staff would be back at OCHE and would follow-up on status of prior audit recommendations.

Public Comment
None

Motion
15:49:20 Rep. Bartel moved the committee acknowledge receipt of the report, that it was reviewed by the committee, filed, and that copies of the audit report be distributed in accordance with law.

Vote
15:49:33 Carried unanimously by voice vote.

DAWSON COMMUNITY COLLEGE (18C-06)
FLATHEAD VALLEY COMMUNITY COLLEGE (18C-07)
MILES COMMUNITY COLLEGE (18C-08)

15:49:59 Chair Brown stated for brevity sake that she would ask Ms. Daugherty to go through all three audits at once, then take questions.

15:50:12 Presented by Jodi Daugherty, CPA, Audit Partner, Eide Bailly LLP
Rep. Kerr-Carpenter asked Ms. Daugherty why the community colleges were contracted out to Eide Bailly.

Legislative Auditor Maciver took the podium to explain to new members how the contracted services worked for the community colleges.

Vice Chair Hayman asked Ms. Bailly about enrollment for all three college's.

Committee Request: Get Rep. Hayman the enrollment numbers for FVCC and MCC. (Done)

Scott R. Mickelsen, President for Dawson Community College answered the enrollment question for Dawson.

Rep. Kerr-Carpenter asked President Mickelsen for information about how the college worked to meet the findings that were found.

Aaron Clingingsmith, Interim President for MCC introduced himself.

Ed Bartlett introduced himself as a lobbyist for the community college's and he thanked LAD staff and spoke on behalf of the President Karas of FVCC who couldn't attend the meeting.

Public Comment
None

Motion
16:10:48 Sen. Flowers moved the Committee acknowledged receipt of the audit report, that it was reviewed b the Committee, filed, and that copies of the audit report were distributed in accordance with law.

Vote
16:10:58 Carried unanimously by voice vote.

MONTANA BOARD OF PUBLIC EDUCATION (18-22)

Presented by Delsi Osmanson, Financial-Compliance Senior Auditor

Present from agency:
Pete Donovan, Executive Director
Kris Stockton, Administrative Specialist

Committee Questions of LAD Staff
None

Agency Response
16:16:49 Director Donovan introduced himself, thanked LAD staff, and spoke on how small their agency was but that they were held to the same standards as larger agencies. He also addressed recommendations.

Committee Questions of the Agency
None

Sen. Brown commented on her appreciation for concurring with recommendations and encouraged the agency to use the state accounting division.

Public Comment
None

Motion
Rep. Kerr-Carpenter moved the committee acknowledge receipt of the report, that it was reviewed by the committee, filed, and that copies of the audit report be distributed in accordance with law.

**Vote**

16:23:18 Carried unanimously by voice vote.

**Other Business**

16:23:29 Sen. Brown took the podium and noted the subcommittee meeting and also noted that the Secretary of State's Office invited the LAC to lunch on the 2nd floor for day two.

16:24:19 Legislative Auditor Maciver gave committee members the option to ask Deputy Legislative Auditor questions about the performance prioritization process.

16:25:39 Deputy Joe Murray gave brief notes on each of the potential performance audits that the committee needed to prioritize.

16:34:22 Sen. Flowers noted how he would need to split his time between committees for day two of LAC.

16:35:38 Legislative Auditor Maciver brought attention to previous request letters in the performance packets to prepare members to go over them on day two.

16:37:40 Legislative Auditor Maciver took the podium to make committee members aware that a member of our staff would be taking photos during the meeting.

**Recess**

16:38:46 With no further business the meeting was recessed until June 26, 2019, at 8:30 a.m.

**Secretary:**

Rep. Kerr-Carpenter