MINUTES LOG
October 30, 2019
8:58 AM
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Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

ROLL CALL

Members Present:
Sen. Dee Brown
Sen. John Esp
Sen. Pat Flowers
Sen. Kim Abbott
Rep. Dan Bartel
Rep. Matt Regier
Rep. Tom Burnett
Rep. Emma Kerr-Carpenter
Rep. Denise Hayman

Members Excused:
Sen. Tom Jacobson
Sen. Jason Ellsworth
Sen. Mary McNally
Staff Present:
Angus Maciver – Legislative Auditor
Candace Radovich – Secretary
Deborah F. Butler – Legal Counsel
Joe Murray, Deputy Legislative Auditor
Cindy Jorgenson, Deputy Legislative Auditor

Visitor’s List (Attachment 1)
Agenda (Attachment 2)

ORIENTATION
08:33:28 Joe Murray, Deputy Legislative Auditor for Performance and Information Systems, explained the performance audit prioritization process and how the results were compiled.
08:42:05 Rep. Burnett commented on his appreciate for Mr. Murray’s explanation and all the work that went into the process.
08:42:30 Chair Brown stated how she thought more audit topics would be rolling in with the release of the latest Hotline Report.
08:52:50 Chair Brown inquired of Ms. Jorgenson if the LAD was a gatekeeper for the federal government.

INTRODUCE STAFF
08:54:39 Mr. Murray introduced Julia Connelley, Performance Auditor.
08:57:07 Legislative Auditor Maciver made a brief statement regarding how the division was trying to drip-feed orientation for new members at each meeting.

CALL TO ORDER/ROLL CALL (Attachment 3)
08:58:53 Chair Brown called the meeting to order noting the presence of a quorum. The committee secretary took roll. Sen. Jacobson, Sen. Ellsworth and Sen. McNally were excused.

APPROVE MINUTES
Motion 09:00:13 Sen. Esp moved the committee approve the minutes from June 25-26, 2019.

Vote 9:00:18 Carried unanimously by voice vote.

DEPARTMENT OF MILITARY AFFAIRS (18-25)
Committee Questions of LAD Staff

09:15:02 Sen. Flowers asked Ms. Zwang about federal and state reimbursement.
09:16:09 Rep. Burnett commended Ms. Zwang and referenced page five of the audit report and asked about the total of grant reimbursements.
09:18:40 Rep. Kerr-Carpenter asked Ms. Zwang about the first finding within the report.
09:19:55 Rep. Kerr-Carpenter asked Ms. Zwang about the apparent patterns identified if she was able to relay that back to the agency.
09:22:38 Chair Brown suggested asking if it was federal granting or the LAD or another resource where the agency could get help.
09:24:23 Chair Brown asked Ms. Zwang to explain adverse opinion and general fund money.
09:26:46 Sen. Flowers asked Ms. Zwang if the federal government had vague standards for questioned costs.
09:29:06 Vice Chair Hayman asked Ms. Zwang to give an example of a non-disaster grant reimbursement.
09:29:59 Rep. Hayman asked Ms. Zwang if reimbursing recipients was timely. Ms. Zwang noted that would be a question for the agency.
09:30:49 Rep. Burnett asked Ms. Zwang what the federal sanctions for failure to comply with federal regulations were.

Agency Response

9:31:38 Major General Matthew T. Quinn introduced himself and walked through recommendations.
09:39:38 Chair Brown asked General Quinn about paying costs upfront.
09:40:53 Sen. Esp asked General Quinn about projects that were paid late.
09:41:42 Vice Chair Hayman asked General Quinn about counties that couldn't afford the process, what happened to them.
09:43:24 Rep. Burnett asked General Quinn if FEMA allowed personal services with no further documentation. The question was deferred to Ms. Bruno.
09:46:47 Chair Brown asked Ms. Zwang to explain General Quinn's statement that the LAD wouldn't explain the projection method. Chair Brown also asked Ms. Zwang why the report missed the June committee.
09:48:28 Committee Request: Rep. Burnett asked if the committee could receive the offered documentation by the agency.
Sen. Flowers looked for clarification from Legislative Auditor Maciver as to why the LAD required more documentation than the federal government per the agency.

Chair Brown asked Ms. Jorgenson to explain further the question asked above.

Rep. Bartel asked General Quinn if the general fund would be reimbursed.

Chair Brown commented that she hoped General Quinn and his agency heard the LAD’s points and that documentation would be gathered and change is made to prevent recurring issues.

**Public Comment**
None

**Motion**
09:56:41 Rep. Hayman 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**
09:56:59 Carried unanimously by voice vote.

**TOURISM MARKETING AND PROMOTION (18P-03)**

Presented by Will Soller, Performance Audit Manager

*(Exhibit 2)* Note: Exhibit 2 is a power point presentation

Present from agency:
Tara Rice, Director
Jenny Pelej, Division Administrator

**Committee Questions of LAD Staff**

10:12:40 Vice Chair Hayman asked Mr. Soller to explain how a county like Gallatin only had one grant.

10:13:27 Vice Chair Hayman asked Mr Soller to give an example of grant funding that he had concerns about.

10:14:14 Vice Chair Hayman asked Mr. Soller about grants in the negative category.

10:14:54 Chair Brown asked Mr. Soller if grants were awarded to private parties.

10:16:24 Rep. Burnett referred to page 14 of the audit report and asked Mr. Soller about what was "impactful" and also asked for details on other states comparison.

10:18:23 Rep. Regier referred to page 18 of the audit report and asked Mr. Soller about negative and positive ratings with grants.

**Agency Response**
10:19:41 Tara Rice, Director, introduced herself and responded to the audit.

**Committee Questions of the Agency**

10:26:04 Chair Brown asked Director Rice about grants given to community groups.

10:28:33 Chair Brown referred to page 28 of the audit report and gave a recommendation to Director Rice.

10:29:52 Rep. Regier asked Director Rice how grants were chosen and awarded. The question was deferred to Ms. Pelej.
Rep. Hayman asked Ms. Pelej what amount the bed tax had generated in Gallatin County. Ms. Pelej didn’t have that exact answer so Rep. Hayman asked if it was considered high for the state of Montana.

Rep. Hayman inquired of Ms. Pelej about a specific grant and asked for clarification on the allocated grants map that was shown. Ms. Pelej handed out a spreadsheet on Tourism Grant Awards from 1995-2019. *(Exhibit 3)*

Chair Brown took the podium and noted how legislators saw things they didn’t like in the audit and how much money was involved with bed tax.

Sen. Esp asked Director Rice for a general scope of how many FTE’s are in the Tourism department and how much money for personal services. The question was deferred to Ms. Pelej.

Sen. Esp had several questions but noted how it would be hard to ask without the number he needed in front of him.

Rep. Burnett asked Director Rice for an estimate of cost for a private business collecting/complying with the tax.

Sen. Flowers commented on the value of tourism grants and the one-year evaluation period and asked if that could be extended.

Chair Brown commented on contractor performance concerns and overall view of the audit.

**Public Comment**
None

**Motion**
10:50:06 Rep. Burnett 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**
10:50:47 Carried unanimously by voice vote.

**Break**
10:50:55 Reconvened at 11:05:30

**MONTANA SCHOOL FOR THE DEAF AND BLIND (18-29)**

11:06:12 Presented by Mary V. Yurewitch, Financial-Compliance Auditor

Present from agency:
Donna E. Sorenson, Superintendent
Donna Schmidt, Business Manager

**Committee Questions of LAD Staff**
None

**Agency Response**
11:12:24 Ms. Schmidt, Business Manager, introduced herself and spoke on the audit.

**Committee Questions of the Agency**
11:14:47 Sen. Brown asked Superintendent Sorenson to introduce herself and thanked her for concurring with the audit.

**Public Comment**
None

**Motion**
11:15:43 Rep. Hayman 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
11:15:57 Passed unanimously by voice vote.

19ACTHOTLINE
11:16:56 Presented by Deborah F. Butler, Legal Counsel

Committee Questions of LAD Staff
11:30:46 Rep. Kerr-Carpenter asked Ms. Butler for details on the 34% that was shown on figure 8 of the report.
11:32:11 Legislative Auditor Maciver tried to address the above question.
11:33:02 Sen. Flowers asked Ms. Butler about comparison in our state relative to other states.
11:34:12 Rep. Abbott asked Ms. Butler what the margin of error was within the survey. Legislative Auditor Maciver addressed the question.
11:35:30 Legislative Auditor Maciver asked Ms. Robbins, Performance Senior Auditor, to the podium to comment on the margin of error.
11:37:19 Chair Brown asked Ms. Butler about page 13 of the audit report and costs the employee had to pay back after accused of theft.
11:38:34 Chair Brown directed members to page one and noted it as a resource to use for future.

PERFORMANCE AND INFORMATION SYSTEMS AUDIT FOLLOW-UP

STATE EFFORTS TO MITIGATE FRAUD, WASTE, AND ABUSE IN THE MONTANA MEDICAID PROGRAM (19SP-21)
11:44:12 Presented by Amber Robbins, Performance Senior Auditor

Committee Questions of LAD Staff
11:49:23 Chair Brown asked Ms. Robbins if a new bill would be required for recipient fraud investigation since it wasn’t a part of the Medicaid expansion bill.
11:50:03 Rep. Burnett referred to page 3 paragraph 3 of the follow-up report and asked Ms. Robbins about why it was unclear whether the department had reconsidered how it coordinated with the federally facilitated marketplace. He also asked if the LAD assessed the risk for fraud associated with the policy.

PREVIOUS MEETING REQUEST DEPARTMENT OF CORRECTIONS (18-15) UPDATE
Reginald Michael, Director, introduced himself and spoke to concerns that were brought up during the original audit, regarding use of youth correctional facilities, and an internal control deficiency with recording revenue estimates.

Chair Brown asked Director Michael for clarification on cutting down the number of youth at Pine Hills (where were they moved to) and what “custodial facility” meant.

Chair Brown asked Director Michael if fixing the first recommendation could be done by seeking legislation so that it didn’t appear in future audits.

Rep. Hayman welcomed Director Michael and asked if the state allocated enough money for mental health, did he think that would change incarceration numbers.


Sen. Esp asked Director Michael about the adult males in the Pine Hills facility and when he discovered there was a conflict with the law. Back and fourth ensued for several minutes on this subject.

Will Soller, Performance Audit Manager noted that the performance audit prioritization results would be addressed later in the meeting.

LUNCH

Reconvened at 13:05:53

OFFICE OF THE GOVERNOR AND LIEUTENANT GOVERNOR (18-23)

Presented by Jenny Erdahl, CPA, Financial-Compliance Audit Manager
Present from agency:
Tom Livers, Budget Director, Office of Budget and Program Planning
Sonia Powell, Lead Budget Analyst, Office of Budget and Program Planning
Joe Brand, Chief Pilot, Executive Office

Committee Questions of LAD Staff
None

Agency Response

Tom Livers, Budget Director, introduced himself and walked through findings.

Committee Questions of the Agency

Chair Brown asked Director Livers about contract for service and the purchase of equipment.

Joe Brand, Chief Pilot, introduced himself and gave an aviation perspective.

Chair Brown asked how much the bid was for.

Chair Brown asked Ms. Erdahl about comments made by Director Livers about where the department stood.

Public Comment
none

Motion
13:32:38
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**

13:32:50 Carried unanimously by voice vote.

**MONTANA FACILITY FINANCE AUTHORITY (18-12)**

13:33:17 Presented by Nolan Preeshl, Financial-Compliance Auditor

Present from agency: Adam Gill, Director

**Committee Questions of LAD Staff**

13:35:45 Sen. Esp asked Mr. Preeshl for clarification on the chart on page A18 of the audit report.

13:36:28 Rep. Hayman asked Mr. Preeshl if the department loaned out money to nursing homes.

**Agency Response**

13:36:54 Adam Gill, Executive Director, introduced himself and spoke on the audit.

**Committee Questions of the Agency**


13:39:12 Rep. Bartel asked Director Gill about the percentage of loans to small health care providers or hospitals.


**Public Comment**

none

**Motion**

13:43:31 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**

13:43:30 Carried Unanimously by voice vote.

**MONTANA MEDICAL LEGAL PANEL (19C-05)**

13:44:10 Presented by Morgan Scarr, CPA, Amatics CPA Group

13:45:47 Chair Brown asked Ms. Scarr about the credit ratings.

13:46:21 Legislative Auditor Maciver spoke on how this would be the last audit along with the Chiropractic Legal Panel.

**Agency Response**

13:48:18 Jean Branscum, Chief Executive Officer, introduced herself.

**Public Comment**

none

**Motion**

13:50:20 Rep. Hayman 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**

13:50:25 Carried unanimously by voice vote.
PERFORMANCE AUDIT SCOPE AND OBJECTIVES - MONTANA DEVELOPMENTAL CLOSURE
13:51:11 Presented by Chelsea Rayfield, Performance Auditor (Exhibit 4)
13:55:01 Chair Brown asked Ms. Rayfield about tracking.
13:57:06 Rep. Kerr-Carpenter asked about audit objectives and the intensive behavior center. She also asked about client current statuses.

FISCAL YEAR 2020 PERFORMANCE AUDIT PRIORITIZATION RESULTS
14:01:38 Presented by Will Soller, Performance Audit Manager (Exhibit 5)
14:06:22 Chair Brown asked Mr. Soller about the Fire Protection Assessment Program.
14:08:01 Legislative Auditor Maciver briefly covered FY19-20 rankings and the process behind it. He also noted its the LAD’s goal to bring back some FY19 subjects.
14:10:26 Chair Brown asked Legislative Auditor Maciver about how auditors were assigned to audits.
14:12:07 Legislative Auditor spoke about goals for audits.

MONTANA WATER POLLUTION CONTROL AND DRINKING WATER STATE REVOLVING FUND PROGRAMS (17-25B)
14:13:07 Presented by Mary Currin, Financial-Compliance Senior Auditor Present from agency: Department of Environmental Quality Shaun McGrath, Director Department of Natural Resources and Conservation John Tubbs, Director Anna Miller, Deputy Administrator Tricia Greiberis, Chief Financial Officer Lorna Gregory, Accountant

Committee Questions of LAD Staff
None
Agency Response DEQ
14:15:48 Shaun McGrath, Director, Department of Environmental Quality, introduced himself.

Committee Questions of the Agency
14:16:29 Rep. Hayman asked Director McGrath how projects were chosen. Question was deferred to Ms. Miller with DNRC.
14:17:47 Chair Brown asked Ms. Miller about drawing funds.
14:20:48 Sen. Esp asked Ms. Currin about water pollution projects that were closed.
Agency Response DNRC
14:21:44 John Tubbs, Director, introduced himself.

Public Comment
Motion
14:23:36 Sen. Flowers 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:
14:23:51 Carried unanimously by voice vote.

LEGISLATIVE AUDIT DIVISION STRATEGIC PLANNING
14:25:34 Legislative Auditor Maciver brought the committee up to speed on what the office had been working on.
14:27:53 Chair Brown spoke on the Focus Group that was held back in September.
14:30:01 Vice Chair Hayman thanked all of those who participated in the Focus Group.
14:30:43 Rep. Kerr-Carpenter spoke on how she appreciated the LAD staff taking on this large project.
14:31:30 Legislative Auditor Maciver spoke on concrete actions that were currently in process.
14:31:56 Legislative Auditor Maciver spoke on the workforce of the future (simplifying LAD’s career ladder).
14:32:59 Legislative Auditor Maciver spoke on technology related solutions.
14:33:58 Legislative Auditor Maciver touched on the division's strategic plan. (Exhibit 6)
14:35:14 Legislative Auditor Maciver touched on the division's employee engagement survey. (Exhibit 7)
14:39:01 Rep. Kerr-Carpenter asked Legislative Auditor Maciver if there was a post process for auditors to express how an audit went, etc.
14:41:40 Sen. Esp asked Legislative Auditor Maciver if the key performance indicators document was the first of its kind.

MONTANA STATE FUND (19-05A)
14:43:16 Present by John Fine, CPA, Financial-Compliance Audit Manager Present from agency: Laurence Hubbard, President/CEO Mark Burzynksi, Vice President, Corporate Support Rene Martello, Controller Patti Grossfield, Internal Auditor

Committee Questions of LAD Staff
None

Agency Response

Committee Questions of the Agency
14:52:48 Chair Brown commented on her conversation with the CEO.

Public Comment
None
Motion
14:53:33 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
14:53:55 Carried Unanimously by voice vote.

PERFORMANCE AND INFORMATION SYSTEMS AUDIT FOLLOW-UP
COORDINATION OF LIQUOR LICENSING COMPLIANCE PROGRAMS (19SP-04)
14:54:55 Presented by John Harrington, Performance Senior Auditor

Committee Questions of LAD Staff
14:58:54 Vice Chair Hayman asked Mr. Harrington about marijuana legalization in the state and the oversight process.
15:00:38 Chair Brown asked Mr. Harrington about little or no compliance issues.
15:02:33 Rep. Kerr-Carpenter asked Mr. Harrington if he thought the audit issues could have been due to tight resources.
15:04:36 Legislative Auditor Maciver commented on the original audit and that at some point in the future a "told you so" may be in order with criminal activity.
15:06:02 Rep. Bartel asked Mr. Harrington about the 65 percent being in statute.

SYSTEM DEVELOPMENT AND PROJECT MANAGEMENT FOR THE TRACKING REMEDIAL ENVIRONMENTAL ACTIONS DATA SYSTEM (TREADS) (19SP-10)
15:07:18 Presented by William Hallinan, Information Systems Auditor

Committee Questions of LAD Staff
15:11:41 Chair Brown asked Legislative Auditor Maciver if there would need to be a follow-up of the follow-up.
15:13:07 Chair Brown asked Mr. Hallinan if the agency would reach out to let the LAC know as progression happened, or would it just go under the rug. Chair Brown also asked if the money spent on the program had gone to waste.
15:14:54 Rep. Burnett asked Legislative Auditor Maciver if this audit would be an example of what other agencies would want to note when developing systems.

LEGISLATIVE BRANCH INTERIM UPDATE
15:17:57 Presented by Angus Maciver, Legislative Auditor
15:18:39 Amy Carlson, Legislative Fiscal Analyst & Division Director, spoke on State and Local Government Financial Sustainability. (Exhibit 8)
15:28:48 Susan Fox, Executive Director, Legislative Services Division, introduced herself and spoke on legislative week.
15:34:43 Legislative Auditor Maciver spoke on SB310 and HB715.
15:38:32 Chair Brown wanted to discuss changing the LAC's December meeting date. Director Fox noted how she could arrange her meetings to make the LAC work.
15:41:12 Chair Brown suggested moving the LAC's December meeting to January 13th & 14th.
15:43:20 Sen. Esp noted he had less conflicts early in the week.
15:43:46 Chair Brown asked for a vote on January, Monday afternoon the 13th and afternoon on the 14th. All voice voted Aye with no motion called.
15:44:13 Legislative Auditor Maciver spoke about SB310 and what it might mean from the LAD’s perspective. Director Fox also added some comments.
15:47:07 Rep. Hayman asked Director Fox about who specifically would be presenting SB310 info and Director Fox asked Director Carlson to speak about outside speakers and staff plus a general schedule.

PERFORMANCE AND INFORMATION SYSTEMS AUDIT STATUS UPDATE
15:52:18 Presented by Joe Murray, Deputy Legislative Auditor (Exhibit 9)
15:55:45 Rep. Burnett asked Mr. Murray about turo vehicles and the question deferred to Mr. Soller.

FINANCIAL AUDIT STATUS UPDATE
16:00:08 Presented by Cindy Jorgenson, Deputy Legislative Auditor. (Exhibit 10) (Exhibit 11)
Ms. Jorgenson covered a question from earlier in the meeting regarding the federal government.

PRIOR MEETING FOLLOW-UP
16:07:48 Legislative Auditor Maciver went over previous meeting requests regarding the Montana University System (Exhibit 12), the Montana Public Service Commission (Exhibit 13), and the Commissioner of Political Practices (Exhibit 14)

LAD BUDGET UPDATE
16:08:39 Presented by Angus Maciver, Legislative Auditor Maciver (Exhibit 15)
16:10:52 Legislative Auditor Maciver noted that Rep. Kerr-Carpenter was correct regarding the aggregate numbers used for hotline survey.

ADJOURNMENT
16:12:33 With there being no further business, the meeting was adjourned at 4:12 p.m.