

LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE MINUTES

August 11, 2023

The Legislative Performance Audit and Oversight Committee met on Monday, August 11, 2023 at 11:00 AM in the LOB Room 212.

Members in attendance were as follows:

Rep. Ken Weyler
Rep. Gerald Griffin
Rep. Lucy Weber
Rep. Mary Jane Wallner
Sen. Cindy Rosenwald, Chair
Sen. Rebecca Whitley
Sen. Howard Pearl
Sen. Timothy Lang
Rep. Jess Edwards, Alternative

The meeting was called to order by Senator Rosenwald at 11:00 AM.

Michael Kane, Legislative Budget Assistant, introduced Christine Young, as the new Director of Audits, to the Committee.

VOTE ON ACCEPTANCE OF THE APRIL 17, 2023 MEETING MINUTES:

On a motion by Senator Lang, seconded by Representative Weyler, that the minutes of the April 17, 2023 be accepted, with an amendment by Representative Weber added to show MOTION ADOPTED to electing Senator Rosenwald as Chair. **MOTION ADOPTED.**

VOTE FOR A VICE CHAIR:

On a motion by Representative Weyler, seconded by Senator Lang, that Representative Griffin be elected Vice Chair. **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 – end of audit is near, report draft was sent to OPLC and Boards at end of June. After our report was sent, new laws were enacted that affected our recommendations in the report. Auditee responses are due back by the middle of September. A Fiscal Committee presentation is targeted for October.

- Special Education Dispute Resolution Process – fieldwork is complete, observations and report drafting are in process. The goal is to have a draft report to the Department of Education by November and Fiscal Committee presentation is targeted for early 2024.
- State Oversight of Special Education – the first quarter of field work has been completed. We are expecting this to be a lengthy report and estimated a draft report will be sent to the NHED in March-April 2024. Fiscal Committee presentation is targeted for summer of 2024. The Committee received a handout of selected NED requirements related to the Special Education Program.
- Education Freedom Account Program – HB 1135 requires a performance audit of the Education Freedom Accounts. This is the only audit we have in our queue for the Fall.
- NH Commission for Human Rights – planning is in process. Scope statement was presented by John Clinch, Senior Audit Manager, for approval.

Senator Lang made a motion, seconded by Representative Weber, to move forward with the NH Commission for Human Rights audit. **MOTION ADOPTED.**

TABLED, SUSPENDED, AND POTENTIAL AUDIT TOPICS:

- Bureau of Elderly and Adult Services – this audit topic was suspended in November 2021 due to pending legal proceedings. No update at this time.
- Public Access to Bodies of Water – this audit topic was tabled and the Committee decided not to move forward with this audit as there might be another committee responsible for this topic.
- Secretary of State’s Archives and Records – this audit was tabled due to the fact there is a possible statutory limitation on the LBA conducting this audit. After much discussion, it was agreed by the Committee to proceed with an audit of Archives. Generally, the Committee considered the handling and maintaining of records by Archives as being governed by statute and rules, therefore it should be auditable.

On a motion by Senator Lang, seconded by Senator Pearl. **MOTION ADOPTED.**

- Office of Professional Licensure and Certification – this audit topic remained tabled as the Office was undergoing a transition and had experienced a recent performance audit.

NEW TOPICS FOR CONSIDERATION:

Jay Henry, Performance Audit Supervisor, informed the Committee of the need for new audit topics. The Committee generally discussed thoughts and concerns regarding the following:

- Department of Health and Human Services' (DHHS) contract management (DHHS provided a handout and made a presentation to the Committee);
- certain topics within the DHHS Bureau of Developmental Services;
- the interplay between the DHHS Division of Children, Youth, and Families and the Bureau of Children's Behavioral Health; and
- the Doorway program.

The Committee agreed that these new potential audit topics will remain on the list for future consideration.

DATE OF NEXT MEETING AND ADJOURNMENT:

Next meeting will be at the call of the Chair. Senator Rosenwald adjourned the meeting at 12:10 PM.

Sen. Cindy Rosenwald, Chair

CHAPTER 297
HB 1135 - FINAL VERSION

16Mar2022... 0847h
05/05/2022 1805s

2022 SESSION

22-2145
08/10

HOUSE BILL

1135

AN ACT

requiring a performance audit of the department of education, education freedom account program.

SPONSORS:

Rep. Fellows, Graf. 8; Rep. Heath, Hills. 14; Rep. Ames, Ches. 9; Rep. Vail, Hills. 30; Rep. Schamberg, Merr. 4; Rep. Tanner, Sull. 9; Rep. Paige, Rock. 18; Sen. Prentiss, Dist 5

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill requires a performance audit of the department of education, education freedom account program.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 297
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT requiring a performance audit of the department of education, education freedom account program.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 297:1 Performance Audit; Education Freedom Account Program.

2 I. In addition to any other performance audit requirements, the audit division of the legislative
3 budget assistant shall complete a performance audit of the department of education, education freedom
4 account program. The audit shall include, but is not limited to, review of:

5 (a) Initial and continued eligibility of participants.

6 (b) Controls for determining qualifying expenditures.

7 (c) Identification and recovery of ineligible disbursements.

8 (d) Procedures and controls for transferring funds to the scholarship organization.

9 (e) Procedures and controls for the phase-out grants.

10 (f) Public reporting of participation, student outcomes, and expenditures.

11 (g) Demographics of qualifying applicants by 2020-2021 municipality and state of residence,
12 grade level, and type and location of educational program, and their 2021-2022 municipality of residence,
13 grade level, and type and location of educational program.

14 II. The legislative budget assistant shall submit the audit scope statement to the legislative
15 performance audit oversight committee for review and approval and submit the final report to the
16 legislative performance audit oversight committee, the fiscal committee and the legislative oversight
17 committee established pursuant to RSA 194-F:12.

297:2 Effective Date. This act shall take effect October 1, 2023.

Approved: July 01, 2022
Effective Date: October 01, 2023



State of New Hampshire

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COMMITTEE ON JUDICIARY

Representative Robert J. Lynn, Chairman

March 13, 2024

Senator Cindy Rosenwald, Chair
Performance Audit and Oversight Committee
General Court of New Hampshire
State House Room 120
107 North Main Street
Concord, NH 03301

Dear Senator Rosenwald:

Having reviewed a number of bills this term that relate in one way or another to the appeals process followed by the Department of Environmental Services, the Judiciary Committee has identified several concerns. We believe the legislature and the department could benefit from a performance audit of how each of the divisions within the DES conduct hearings and subsequent appeals. Questions have arisen about the appeals being handled by the initial decision makers, about the opportunity or lack thereof for de novo hearings, and about consistency within the department.

We respectfully request that you consider this topic for a future performance audit. I and members of the committee would be happy to provide additional information that you might consider necessary in making your recommendation.

Thank you for your consideration.

Sincerely,

Representative Robert J. Lynn, Chair
House Judiciary Committee