

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1

By: Treat, Allen and Montgomery
of the Senate

3

and

4

McCall, Lepak and Gann of
the House

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9 An Act relating to public finance; creating the
10 Legislative Office of Fiscal Transparency (LOFT);
specifying purpose and duties; providing for payment
11 of expenses of Office; creating oversight committee;
providing for membership, co-chairs, quorum and
12 meetings thereof; specifying certain powers and
duties of oversight committee; providing procedures
13 for conduct of performance evaluations; defining
term; requiring coordination with work of Agency
14 Performance and Accountability Commission; specifying
duty of state agencies and institutions; providing
15 for confidentiality of certain records; requiring
certain reports and recommendations; providing for
16 codification; and declaring an emergency.

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18 AUTHOR: Remove the following House Coauthor: Gann

19 AMENDMENT NO. 1. Page 1, lines 8 through 14 1/2, strike the title
to read:

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21 "[public finance - creating the Legislative Office

21

of Fiscal Transparency (LOFT) -

22

emergency]"

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1 Passed the House of Representatives the 25th day of April, 2019.

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4 Presiding Officer of the House of
5 Representatives

6 Passed the Senate the ____ day of _____, 2019.

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9 Presiding Officer of the Senate

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2 BILL NO. 1

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8 An Act relating to public finance; creating the
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17 Performance and Accountability Commission; specifying
18 duty of state agencies and institutions; providing
19 for confidentiality of certain records; requiring
20 certain reports and recommendations; providing for
21 codification; and declaring an emergency.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 8011 of Title 62, unless there
is created a duplication in numbering, reads as follows:

A. There is hereby created within the Legislature the
Legislative Office of Fiscal Transparency (LOFT). The purpose of
the Office shall be to assist the Legislature in performing its

1 constitutional and statutory function of ensuring that government
2 funds are expended in a fiscally responsible manner.

3 B. The operations of the Office shall be overseen by the
4 committee created in Section 3 of this act. The committee shall
5 employ an Executive Director and such other staff as it may deem
6 necessary to carry out its duties as set forth in this act.

7 C. All expenses of the Office shall be paid by the Legislative
8 Service Bureau, subject to the approval of the President Pro Tempore
9 of the Senate and the Speaker of the House of Representatives.

10 Employees of the Office shall be employed by the Legislative Service
11 Bureau.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 8012 of Title 62, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The Legislative Office of Fiscal Transparency shall conduct
16 performance evaluations. The oversight committee created in Section
17 3 of this act shall periodically identify specific executive branch
18 agencies, or programs, activities or functions within executive
19 branch agencies, for which the Office shall conduct a performance
20 evaluation. As used in this act, "performance evaluation" means an
21 examination of a program, activity or function of an executive
22 branch agency, conducted in accordance with applicable government
23 auditing standards or auditing and evaluation standards of other
24

1 appropriate authoritative bodies. The term includes, but is not
2 limited to, an examination of issues related to:

3 1. Economy, efficiency or effectiveness of the agency or
4 program, including any revenue sources used to fund or support the
5 agency or program;

6 2. Structure or design of the agency or program to accomplish
7 its goals and objectives;

8 3. Adequacy of the agency or program to meet the needs or
9 policy goals identified by the Legislature;

10 4. Alternative methods of providing agency or program services
11 or products;

12 5. Goals, objectives and performance measures used by the
13 agency to monitor and report agency or program accomplishments;

14 6. The accuracy or adequacy of public documents, reports or
15 requests prepared by or in relation to the agency or program;

16 7. Compliance with appropriate policies, rules or laws related
17 to the agency or program; and

18 8. Any other issues related to such agencies or programs as
19 directed by the oversight committee.

20 B. The oversight committee shall monitor the work of the Agency
21 Performance and Accountability Commission and shall ensure that its
22 efforts do not duplicate the independent comprehensive performance
23 audits required in Section 8003 of Title 62 of the Oklahoma
24 Statutes; provided, if such an audit results in a finding that the

1 oversight committee determines merits additional review, it may
2 direct the Office to do so.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 8013 of Title 62, unless there
5 is created a duplication in numbering, reads as follows:

6 A. There is hereby created within the Legislature a committee
7 to oversee the operations of the Legislative Office of Fiscal
8 Transparency. The committee shall consist of twelve (12) members,
9 as follows:

- 10 1. The chair of the Senate Committee on Appropriations;
- 11 2. The chair of the Senate Committee on Finance;
- 12 3. The chair of the House Committee on Appropriations and
13 Budget;
- 14 4. The chair of the House Subcommittee on Finance;
- 15 5. Four members of the Senate, at least two of whom shall be
16 members of the minority party, to be appointed by the President Pro
17 Tempore of the Senate; and
- 18 6. Four members of the House of Representatives, at least two
19 of whom shall be members of the minority party, to be appointed by
20 the Speaker of the House of Representatives.

21 B. The President Pro Tempore of the Senate and the Speaker of
22 the House of Representatives shall each designate a co-chair of the
23 oversight committee from among the members from their respective
24 houses.

1 C. A quorum of the oversight committee shall consist of at
2 least seven members; provided, any action by the oversight committee
3 shall require the vote of at least four members from each house of
4 the Legislature. The agenda for each meeting shall be set by the
5 co-chairs and shall be made available to the public, by posting on
6 the Senate and House websites, at least forty-eight (48) hours prior
7 to the time of the meeting. Meetings of the oversight committee
8 shall be open to the public; provided, the committee may vote to
9 convene in executive session for the sole purpose of discussing any
10 matter specifically made confidential by law. Members of the
11 oversight committee shall receive reimbursement for actual and
12 necessary expenses incurred in connection with their duties as
13 members in accordance with other provisions of law relating to
14 travel reimbursement for members of the Legislature.

15 D. The members and co-chairs of the oversight committee shall
16 be appointed no later than July 1, 2019, and the oversight committee
17 shall hold its first meeting no later than August 1, 2019.

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 8014 of Title 62, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Each agency or institution of the state shall, upon request,
22 furnish and make available to the Legislative Office of Fiscal
23 Transparency all records, documents, materials, personnel,
24 information or other resources as the Office deems necessary to

1 conduct performance evaluations as required by this act. Any
2 record, document, material or other information made confidential by
3 law shall be provided to the Office, which shall also maintain such
4 confidentiality. All records, documents, materials or other
5 information of the Office shall be deemed to be a record of the
6 Legislature.

7 B. Each state agency and other affected persons shall cooperate
8 with the oversight committee and the Office in the providing of any
9 information requested. The oversight committee shall have the power
10 to conduct hearings, administer oaths, issue subpoenas and compel
11 the attendance of witnesses and the production of information as
12 provided in Section 773 of Title 74 of the Oklahoma Statutes.

13 SECTION 5. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 8015 of Title 62, unless there
15 is created a duplication in numbering, reads as follows:

16 The Legislative Office of Fiscal Transparency shall prepare and
17 submit to the oversight committee a report of its findings for each
18 performance evaluation conducted. Such reports shall be available
19 to the public, other than with respect to any information or
20 material made confidential by law. The oversight committee may make
21 recommendations to the agency evaluated, or to the Legislature and
22 the Governor, for further action as it deems necessary, and may
23 direct the Office to monitor and report on implementation of such
24 recommendations.

