

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 1

By: Treat, Allen and Montgomery
of the Senate

6 and

7 McCall, Lepak and Gann of
8 the House

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

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

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

1 A. There is hereby created within the Legislature the
2 Legislative Office of Fiscal Transparency (LOFT). The purpose of
3 the Office shall be to assist the Legislature in performing its
4 constitutional and statutory function of ensuring that government
5 funds are expended in a fiscally responsible manner.

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

10 C. All expenses of the Office shall be paid by the Legislative
11 Service Bureau, subject to the approval of the President Pro Tempore
12 of the Senate and the Speaker of the House of Representatives.
13 Employees of the Office shall be employed by the Legislative Service
14 Bureau.

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

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

1 branch agency, conducted in accordance with applicable government
2 auditing standards or auditing and evaluation standards of other
3 appropriate authoritative bodies. The term includes, but is not
4 limited to, an examination of issues related to:

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

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

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

12 4. Alternative methods of providing agency or program services
13 or products;

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

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

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

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

22 B. The oversight committee shall monitor the work of the Agency
23 Performance and Accountability Commission and shall ensure that its
24 efforts do not duplicate the independent comprehensive performance

1 audits required in Section 8003 of Title 62 of the Oklahoma
2 Statutes; provided, if such an audit results in a finding that the
3 oversight committee determines merits additional review, it may
4 direct the Office to do so.

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

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

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

23 B. The President Pro Tempore of the Senate and the Speaker of
24 the House of Representatives shall each designate a co-chair of the

1 oversight committee from among the members from their respective
2 houses.

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

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

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

23 A. Each agency or institution of the state shall, upon request,
24 furnish and make available to the Legislative Office of Fiscal

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

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

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

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

1 direct the Office to monitor and report on implementation of such
2 recommendations.

3 SECTION 6. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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8 DIRECT TO CALENDAR.

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