

1 **SENATE FLOOR VERSION**

2 February 27, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 1

5 By: Treat, Allen and Montgomery
6 of the Senate

7 and

8 McCall, Lepak and Gann of
9 the House

10 [**public finance - Legislative Office of Fiscal**
11 **Transparency (LOFT) - codification -**
12 **emergency]**

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

19 A. There is hereby created within the Legislature the
20 Legislative Office of Fiscal Transparency (LOFT). The purpose of
21 the Office shall be to assist the Legislature in performing its
22 constitutional and statutory function of ensuring that government
23 funds are expended in a fiscally responsible manner.
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1 B. The operations of the Office shall be overseen by the
2 committee created in Section 3 of this act. The committee shall
3 employ an Executive Director and such other staff as it may deem
4 necessary to carry out its duties as set forth in this act.

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

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

13 A. The Legislative Office of Fiscal Transparency shall conduct
14 performance evaluations. The oversight committee created in Section
15 3 of this act shall periodically identify specific executive branch
16 agencies, or programs, activities or functions within executive
17 branch agencies, for which the Office shall conduct a performance
18 evaluation. As used in this act, "performance evaluation" means an
19 examination of a program, activity or function of an executive
20 branch agency, conducted in accordance with applicable government
21 auditing standards or auditing and evaluation standards of other
22 appropriate authoritative bodies. The term includes, but is not
23 limited to, an examination of issues related to:

24

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

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

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

8 4. Alternative methods of providing agency or program services
9 or products;

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

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

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

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

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

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

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

8 1. The chair of the Senate Committee on Appropriations;

9 2. The chair of the Senate Committee on Finance;

10 3. The chair of the House Committee on Appropriations and
11 Budget;

12 4. The chair of the House Subcommittee on Finance;

13 5. Four members of the Senate, at least two of whom shall be
14 members of the minority party, to be appointed by the President Pro
15 Tempore of the Senate; and

16 6. Four members of the House of Representatives, at least two
17 of whom shall be members of the minority party, to be appointed by
18 the Speaker of the House of Representatives.

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

23 C. A quorum of the oversight committee shall consist of at
24 least seven members; provided, any action by the oversight committee

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

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

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

19 A. Each agency or institution of the state shall, upon request,
20 furnish and make available to the Legislative Office of Fiscal
21 Transparency all records, documents, materials, personnel,
22 information or other resources as the Office deems necessary to
23 conduct performance evaluations as required by this act. Any
24 record, document, material or other information made confidential by

1 law shall be provided to the Office, which shall also maintain such
2 confidentiality. All records, documents, materials or other
3 information of the Office shall be deemed to be a record of the
4 Legislature.

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

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

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

23 ~~SECTION 6. It being immediately necessary for the preservation~~
24 ~~of the public peace, health or safety, an emergency is hereby~~

1 ~~declared to exist, by reason whereof this act shall take effect and~~
2 ~~be in full force from and after its passage and approval.~~

3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
4 February 27, 2019 - DO PASS AS AMENDED
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