

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1090

                                  By: Kendrix and **Roberts (Eric)**

7                                   AS INTRODUCED

8                   An Act relating to state government; amending 74 O.S.  
9                   2011, Section 213.2, as amended by Section 844,  
10                  Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2020, Section  
11                  213.2), which relates to performance audits;  
12                  modifying provisions related to certain examinations  
13                  by the State Auditor and Inspector; providing an  
14                  effective date; and declaring an emergency.

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

15                  SECTION 1.            AMENDATORY            74 O.S. 2011, Section 213.2, as  
16                  amended by Section 844, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
17                  2020, Section 213.2), is amended to read as follows:

18                  Section 213.2   A.   There is hereby created in the Office of the  
19                  State Auditor and Inspector a Performance Audit Division, subject to  
20                  the discretion of the State Auditor and Inspector.   An Assistant  
21                  State Auditor and Inspector may be appointed to direct the  
22                  operations of the Division, subject to the supervision and control  
23                  of the State Auditor and Inspector at all times.

1 B. The State Auditor and Inspector, deputies and agents of the  
2 Performance Audit Division may examine all books and accounts of all  
3 public officers, institutions and other governmental entities  
4 specified in Sections 212 through 227.9 of this title to instruct  
5 the proper officers thereof in the performance of their duties and  
6 to prescribe cost-effective methods of operating such governmental  
7 entities; ~~provided, however,~~ Further, the State Auditor and  
8 Inspector shall also perform the examinations authorized in this  
9 subsection upon receiving a written request to do so by the  
10 Governor, the chief executive officer of a governmental entity or  
11 pursuant to a joint or concurrent resolution of the Legislature. A  
12 copy of the examination shall be given to the examined entity. A  
13 copy of any examination conducted pursuant to this subsection shall  
14 be submitted to the Governor, the Speaker of the House of  
15 Representatives, the President Pro Tempore of the Senate, the  
16 appropriations and budget chairs of the House of Representatives and  
17 the Senate, and the Minority Leader of the House of Representatives  
18 and of the Senate.

19 C. The cost of the examinations authorized pursuant to  
20 subsection B of this section shall be borne by the examined agency  
21 in an amount not to exceed the actual costs of the examination.  
22 Prior to the start of such an examination, the State Auditor and  
23 Inspector shall prepare in writing and present to the affected state  
24 agency an estimate of the cost of the examination. If the estimate

1 requires revision, the State Auditor and Inspector shall notify the  
2 agency in a prompt manner. Except as otherwise provided, the State  
3 Auditor and Inspector shall recover its costs for the examination  
4 pursuant to monthly progress billings presented by the State Auditor  
5 and Inspector to the Office of Management and Enterprise Services  
6 detailing current monthly costs for each examination. In addition,  
7 the State Auditor and Inspector shall provide a copy of the billing  
8 to the affected state agency. The Office of Management and  
9 Enterprise Services may deduct the amounts billed from the next  
10 subsequent allotment for the corresponding state agency and transfer  
11 the funds to the State Auditor and Inspector Revolving Fund.

12 D. The salaries and traveling expenses of the Assistant State  
13 Auditor and Inspector, deputies and agents of the Performance Audit  
14 Division and the costs of material, supplies and equipment for the  
15 Division shall be paid from funds made available through  
16 appropriation by the Legislature.

17 E. The State Auditor and Inspector shall submit an annual  
18 report of the Performance Audit Division to the Governor, the  
19 President Pro Tempore of the Senate, the Speaker of the House of  
20 Representatives, appropriations and budget chairs of the House of  
21 Representatives and the Senate, and the Minority Leader of the  
22 Senate and of the House of Representatives.

23 SECTION 2. This act shall become effective July 1, 2021.  
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1 SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated  
7 02/17/2021 - DO PASS, As Coauthored.

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