

1 ENGROSSED HOUSE AMENDMENTS  
TO  
2 ENGROSSED SENATE BILL NO. 1866

By: Laughlin of the Senate  
and  
Hickman of the House

( public finance - Rural Economic Action Plan -  
Oklahoma Department of Commerce - effective date -  
emergency )

11 AMENDMENT NO. 1. Page 1, line 12, strike the enacting clause

12 AMENDMENT NO. 2. Page 4, line 22 1/2, add new Sections 4, 5 and 6  
to read

14 "SECTION 4. AMENDATORY 74 O.S. 2001, Section 212, is  
15 amended to read as follows:

16 Section 212. A. STATE TREASURER

17 The State Auditor and Inspector shall examine without notice all  
18 books and accounts of the State Treasurer twice each year.

19 B. STATE OFFICERS

20 The State Auditor and Inspector shall examine at least once each  
21 year the books and accounts of all state officers whose duty it is  
22 to collect, disburse or manage funds of the state.

23 C. OKLAHOMA DEPARTMENT OF COMMERCE

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1        The State Auditor and Inspector shall examine without notice at  
2 least once each year all books and accounts of the Oklahoma  
3 Department of Commerce.

4        D.    GUBERNATORIAL REQUEST

5        Whenever called upon to do so by the Governor, it shall be the  
6 duty of the State Auditor and Inspector to examine the books and  
7 accounts of any officer of the state or any of the officer's  
8 predecessors. The cost of the audit shall be borne by the entity to  
9 be audited.

10       ~~D.~~ E.    COUNTY TREASURER

11       The State Auditor and Inspector shall examine without notice all  
12 books and accounts of each county treasurer of the state twice each  
13 year.

14       ~~E.~~ F.    DISTRICT ATTORNEYS

15       The State Auditor and Inspector shall make continuous  
16 examination and audit of the books and accounts of the several  
17 offices of the district attorneys of this state and the District  
18 Attorneys Council. The audits shall be reported in separate reports  
19 for each entity. The audit may include, but shall not be limited  
20 to, the audit of the financial records, performance measures, and  
21 compliance with state or federal statutes and rules, and compliance  
22 with any regulations of state or federal programs. The expense of  
23 the audits shall be paid by the entity audited.

24       ~~F.~~ G.    DEPARTMENT OF CORRECTIONS

1       The State Auditor and Inspector shall make continuous  
2 examination and audit of the books and accounts of the several  
3 divisions of the Department of Corrections. The scope of the audit  
4 shall be determined by the State Auditor and Inspector using a risk-  
5 based approach. The audits shall be reported in separate reports  
6 for each division. The audit may include, but shall not be limited  
7 to, the audit of the financial records, performance measures, and  
8 compliance with any state or federal statutes and rules, and  
9 compliance with any regulations of state or federal programs. The  
10 expense of the audits shall be paid by the entity audited.

11       ~~G.~~ H. OKLAHOMA STATE AND EDUCATION EMPLOYEES GROUP INSURANCE  
12 BOARD

13       The State Auditor and Inspector shall cause to be audited the  
14 books and accounts of the office of the Oklahoma State and Education  
15 Employees Group Insurance Board (OSEEGIB). The audit may include,  
16 but shall not be limited to, the audit of the financial records,  
17 performance measures, compliance with any state or federal statutes  
18 and rules, and compliance with any regulations of state programs.  
19 The audit shall be contracted out to private audit firms. The cost  
20 of the audit shall be borne by the Oklahoma State and Education  
21 Employees Group Insurance Board.

22       ~~H.~~ I. DISTRICT ATTORNEY REQUEST

23       Whenever called upon to do so by any of the several district  
24 attorneys of the state, it shall be the duty of the State Auditor

1 and Inspector to examine the books and accounts of any officer of  
2 any public entity. The cost of the audit shall be borne by the  
3 entity audited.

4 ~~F.~~ J. COUNTY OFFICERS BY REQUEST

5 Upon request of the county commissioners of any county or the  
6 Governor, the State Auditor and Inspector shall examine the books  
7 and accounts of all or any of the officers or custodians of the  
8 various funds of the county; and payment for such examination shall  
9 be made by the county so examined.

10 ~~F.~~ K. AUDITORS

11 The State Auditor and Inspector shall have power to employ  
12 auditors. No auditor shall examine the books or records of the  
13 county of the auditor's residence in counties of under two hundred  
14 thousand (200,000) population according to the most recent Federal  
15 Decennial Census. The State Auditor and Inspector may employ on an  
16 as-needed basis only, legal counsel to carry out the statutory  
17 duties of the Office of the State Auditor and Inspector.

18 ~~K.~~ L. EXAMINATION OF LEVIES

19 It shall be the duty of the State Auditor and Inspector to  
20 examine all levies to raise public revenue to see that they are made  
21 according to law and constitutional provisions. The State Auditor  
22 and Inspector shall have the power to order all excessive or  
23 erroneous lines (levies) to be corrected by the proper officers, and  
24 shall report any irregularities to the Governor, the Speaker of the

1 House of Representatives and the President Pro Tempore of the  
2 Senate.

3 ~~H.~~ M. PETITION AUDITS

4 1. The State Auditor and Inspector shall audit the books and  
5 records of any subdivision of the State of Oklahoma upon petition  
6 signed by the requisite number of voters registered in the  
7 subdivision and meeting the requirements set out in this subsection.

8 2. The petition must contain the number of signatures  
9 equivalent to ten percent (10%) of the registered voters of the  
10 subdivision as determined by the county election board or, if the  
11 county election board determines that the number of registered  
12 voters in the subdivision cannot be determined due to boundary lines  
13 not conforming to precinct lines, the required number of petitioners  
14 shall be twenty-five percent (25%) of the total number of persons  
15 voting in the last subdivision-wide general election held in the  
16 subdivision. If the subdivision is a public trust, the required  
17 number of petitioners shall be the same as those required for an  
18 audit of its beneficiary. The appropriate county election board  
19 shall provide the number of signatures so required upon request.

20 3. The petition shall be in the form of an affidavit wherein  
21 the signatory shall declare upon oath or affirmation that the  
22 information given is true and correct and that he or she is a  
23 citizen of the entity to be audited. The petition shall clearly  
24 state that falsely signing shall constitute perjury. It shall

1 include the signature of the individual, the name of the signatory  
2 in printed form, the individual's residential address, the date of  
3 signing, the public entity to be audited and the anticipated range  
4 of the cost of the audit provided by the State Auditor and  
5 Inspector.

6 4. Any person desiring to petition for an audit shall list the  
7 areas, items or concerns they want to be audited, and request from  
8 the State Auditor and Inspector the anticipated range of cost of the  
9 audit. Within thirty (30) days from the receipt of the request, the  
10 State Auditor and Inspector shall mail a petition form to the person  
11 requesting the information which shall state the anticipated range  
12 of the cost and the items or concerns to be audited. The  
13 circulators of the petition shall have thirty (30) days from the  
14 date the petition is mailed by the State Auditor and Inspector to  
15 obtain the requisite number of signatures and return it to the State  
16 Auditor and Inspector.

17 5. Upon collection of the required number of signatures, the  
18 person desiring the audit shall present the signed petitions to the  
19 State Auditor and Inspector. Within thirty (30) days of receipt of  
20 the petitions, the State Auditor and Inspector shall present the  
21 petitions to the county election board located in the county in  
22 which the subdivision is located.

23 6. The county election board shall determine whether the  
24 signers of the petition are registered voters of the county in which

1 the subdivision to be audited is located and whether the petition  
2 has the requisite number of signatures of such registered voters.  
3 The county election board shall certify the petition as having the  
4 required number of signatures or as failing to have the required  
5 number of signatures and return it to the State Auditor and  
6 Inspector.

7 7. The cost of the audit shall be borne by the public entity  
8 audited. Upon notification by the State Auditor and Inspector of  
9 receipt of the petition, certified by the county election board as  
10 having the required number of signatures, the public entity shall  
11 encumber funds in an amount specified by the State Auditor and  
12 Inspector, which shall be within the range of anticipated cost  
13 stated on the petition from any funds not otherwise specifically  
14 appropriated or allocated. Payment for the audit from such  
15 encumbered funds shall be made as work progresses, and final payment  
16 shall be made on or before its publication.

17 8. The names of the signers of any petition shall be  
18 confidential and neither the State Auditor and Inspector, the county  
19 election board nor the county treasurer may release them to any  
20 other person or entity except upon an order from a court of  
21 competent jurisdiction.

22 M. N. PENALTIES FOR NONPAYMENT

23 The cost of any services provided by the State Auditor and  
24 Inspector shall be due and payable upon the publication of the

1 audit. Any such costs not paid within ninety (90) days of the date  
2 of publication shall incur a penalty of Ten Dollars (\$10.00) per day  
3 for each day from the date of publication.

4 SECTION 5. AMENDATORY 62 O.S. 2001, Section 2006, as  
5 last amended by Section 2, Chapter 194, O.S.L. 2007 (62 O.S. Supp.  
6 2007, Section 2006), is amended to read as follows:

7 Section 2006. A. There is hereby established a fund within the  
8 State Treasury to be known as the Rural Economic Action Plan Fund.  
9 The fund shall be a continuing fund not subject to fiscal year  
10 limitations. Within the Rural Economic Action Plan Fund there shall  
11 be established separate accounts as prescribed by Section 2004 of  
12 this title into which shall be deposited such funds as may be  
13 provided by law.

14 B. Except as otherwise provided by Section 2004 of this title,  
15 one of nine accounts shall be available to each entity described in  
16 subsection A of Section 2007 of this title.

17 C. Except as otherwise provided by Section 2004 of this title,  
18 one account shall be divided equally into two subaccounts. One of  
19 the two subaccounts shall be available to each of the entities  
20 described by subsection B of Section 2007 of this title for  
21 distribution to any city or town within the respective jurisdiction  
22 of the entity if the population of such city or town does not exceed  
23 seven thousand (7,000) persons according to the latest Federal  
24 Decennial Census or for the benefit of an unincorporated area.

1 Funds may also be expended for any city or town with a population  
2 below seven thousand (7,000) persons based upon the current  
3 population estimate according to the U.S. Census Bureau. Funds may  
4 be expended for such cities and towns until the next following  
5 Federal Decennial Census.

6 D. No funds deposited into one account or subaccount shall be  
7 transferred to any other account. No entity may access any more  
8 than one account per fiscal year and the total expenditure from any  
9 one account for each fiscal year may not exceed the amount of funds  
10 available to each account as may be provided by law.

11 E. The Legislature finds that the Oklahoma Department of  
12 Commerce has the necessary resources and capabilities to effectively  
13 and efficiently administer the Rural Economic Action Plan Fund. The  
14 Legislature finds that any costs associated with the administration  
15 of the Rural Economic Action Plan Fund, historically have been  
16 minimal and continue to be minimal, and therefore the Legislature  
17 finds that no appropriations to the Oklahoma Department of Commerce  
18 are necessary to administer the Rural Economic Action Plan Fund.  
19 The Department shall utilize existing annual resources,  
20 appropriations, or other lawful funds to administer the Rural  
21 Economic Action Plan Fund. No monies in the Rural Economic Action  
22 Plan Fund shall be used for the payment of administrative expenses,  
23 salary, or any other continuing obligation. It is the intent of the

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1 Legislature that the Oklahoma Department of Commerce shall  
2 effectively and efficiently administer the Rural Economic Action  
3 Plan Fund, and ensure that expenditures from the fund are utilized  
4 according to all constraints imposed by law.

5 SECTION 6. REPEALER 74 O.S. 2001, Section 5024, is  
6 hereby repealed."

7 and renumber subsequent sections

8 and when title is restored amend to conform

9 Passed the House of Representatives the 23rd day of April, 2008.

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Presiding Officer of the House of  
Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

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Presiding Officer of the Senate

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