
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1254 Session of
2023

INTRODUCED BY GROVE, GREINER, STAATS, JOZWIAK, ZIMMERMAN,
KEEFER, PICKETT, MOUL, ROWE AND GILLEN, MAY 24, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 24, 2023

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," providing for internal auditing; and imposing
22 duties on the Auditor General.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
26 as The Administrative Code of 1929, is amended by adding an
27 article to read:

28 ARTICLE XXVIII-J

1 INTERNAL AUDITING

2 Section 2801-J. Scope of article.

3 This article relates to internal auditing to assist
4 Commonwealth agencies.

5 Section 2802-J. Purpose.

6 The purpose of this article is to establish guidelines for a
7 program of internal auditing to assist each Commonwealth agency
8 by furnishing independent analyses, appraisals and
9 recommendations about the adequacy and effectiveness of the
10 Commonwealth agency's system of internal control policies and
11 procedures and the quality of performance in carrying out
12 assigned responsibilities.

13 Section 2803-J. Definitions.

14 The following words and phrases when used in this article
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Administrator." The executive head or governing board or
18 authority of a Commonwealth agency.

19 "Assurance services." As follows:

20 (1) Activities that are designed to help accomplish
21 objectives by bringing a systematic and disciplined approach
22 to evaluate and improve risk management, control or
23 governance processes.

24 (2) The term includes an audit.

25 "Audit." Any of the following:

26 (1) A financial audit.

27 (2) A compliance audit.

28 (3) An operational audit.

29 (4) An effectiveness audit.

30 (5) An investigation.

1 "Commonwealth agency." Any of the following:

2 (1) A department, agency, office, bureau, commission,
3 board, division or other entity or officer of the executive
4 branch of the Commonwealth. The term includes any of the
5 following:

6 (i) The Office of the Governor.

7 (ii) The Office of the Lieutenant Governor.

8 (iii) The Office of Attorney General.

9 (iv) The Department of the Auditor General.

10 (v) The Treasury Department.

11 (vi) An independent agency, as defined in section
12 102 of the act of February 14, 2008 (P.L.6, No.3), known
13 as the Right-to-Know Law.

14 (vii) An organization established by the
15 Constitution of Pennsylvania, a statute or an executive
16 order that performs or is intended to perform an
17 essential governmental function.

18 (2) A judicial agency, as defined in section 102 of the
19 Right-to-Know Law.

20 (3) A legislative agency, as defined in section 102 of
21 the Right-to-Know Law.

22 "Compliance audit." An audit to determine if:

23 (1) The audited entity has obligated, expended, received
24 and used State money in accordance with the purpose for which
25 that money has been appropriated or otherwise authorized by
26 law.

27 (2) The audited entity has obligated, expended, received
28 and used State money in accordance with any limitations,
29 restrictions, conditions or mandatory directions imposed by
30 law on those obligations, expenditures, receipts or uses.

1 (3) The records, books and accounts of the audited
2 entity fairly and accurately reflect its financial and fiscal
3 operations relating to the obligation, receipt, expenditure
4 and use of State money or money represented as being
5 collected for a State purpose.

6 (4) The collections of State revenues and receipts by
7 the audited entity are in accordance with applicable laws and
8 regulations.

9 (5) Money or negotiable securities or similar assets
10 handled by the audited entity on behalf of the State or
11 received from the State and held in trust by the audited
12 entity have been properly and legally administered.

13 "Consulting services." As follows:

14 (1) Advisory and related client service activities, the
15 nature and scope of which are agreed upon with the client and
16 are designed to add value and improve operations.

17 (2) The term includes counsel, advice, facilitation and
18 training.

19 "Effectiveness audit." An audit to determine, according to
20 established or designated program objectives, responsibilities
21 or duties, statutes and regulations, program performance
22 criteria or program evaluation standards, if:

23 (1) The objectives and intended benefits are being
24 achieved efficiently and effectively.

25 (2) The program duplicates, overlaps or conflicts with
26 another State program.

27 "Financial audit." An audit to determine if:

28 (1) The records, books and accounts of the audited
29 entity accurately reflect its financial and fiscal
30 operations.

1 (2) The audited entity is maintaining effective
2 accounting control over revenues, obligations, expenditures,
3 assets and liabilities.

4 (3) The accounting and recordkeeping of collections of
5 State revenues and receipts by the audited entity are fair,
6 accurate and in accordance with law.

7 (4) The accounting and recordkeeping of money or
8 negotiable securities or similar assets handled by the
9 audited entity and held in trust by the audited entity are
10 proper, accurate and in accordance with law.

11 (5) Financial, program and statistical reports of the
12 audited entity are fairly presented.

13 "Internal auditing." An independent and objective analysis
14 of business practices and activities through assurance services
15 or consulting services, or both.

16 "Internal auditor." An individual appointed to conduct a
17 program of internal auditing under this article.

18 "Investigation." An inquiry into:

19 (1) specified acts or allegations of impropriety,
20 malfeasance or nonfeasance in the obligation, expenditure,
21 receipt or use of State money; or

22 (2) specified financial transactions or practices that
23 may involve impropriety, malfeasance or nonfeasance in the
24 obligation, expenditure, receipt or use of State money.

25 "Operational audit." An audit to determine:

26 (1) If the audited entity is managing or utilizing
27 resources, including State funds, personnel, property,
28 equipment and space, in an economical and efficient manner.

29 (2) Causes of inefficiencies or uneconomical practices,
30 including inadequacies in management information systems,

1 internal and administrative procedures, organizational
2 structure, use of resources, allocation of personnel,
3 purchasing, policies and equipment.

4 (3) If financial, program and statistical reports of the
5 audited entity contain useful data and are fairly presented.

6 Section 2804-J. Internal auditing.

7 (a) Requirement.--A Commonwealth agency shall conduct a
8 program of internal auditing that includes:

9 (1) An annual audit plan that is prepared using risk
10 assessment techniques and that identifies the individual
11 audits to be conducted during the year.

12 (2) Periodic audits of the agency's major systems and
13 controls, including:

14 (i) Accounting systems and controls.

15 (ii) Administrative systems and controls.

16 (iii) Electronic data processing systems and
17 controls.

18 (b) Consideration.--In conducting the program of internal
19 auditing under subsection (a), the Commonwealth agency shall
20 consider methods for ensuring compliance with contract processes
21 and controls and for monitoring contracts.

22 (c) Internal auditor.--

23 (1) The administrator of a Commonwealth agency shall
24 appoint an internal auditor to conduct the program of
25 internal auditing under this article.

26 (2) An internal auditor must:

27 (i) Be a certified public accountant, certified
28 internal auditor, certified management accountant,
29 certified global management accountant or certified fraud
30 examiner.

1 (ii) Have at least three years of auditing
2 experience.

3 (iii) Be currently licensed or certified and be in
4 good standing with the respective licensing board during
5 the period in which the individual is engaged in auditing
6 as an internal auditor.

7 (d) Additional staff.--A Commonwealth agency shall employ
8 additional professional and support staff that the administrator
9 of the Commonwealth agency determines necessary to implement an
10 effective program of internal auditing.

11 (e) Resources.--The administrator of a Commonwealth agency
12 shall periodically review the resources dedicated to the program
13 of internal auditing and determine if adequate resources exist
14 to ensure that risks identified in the annual risk assessment
15 are adequately covered within a reasonable time frame.

16 Section 2805-J. Duties of internal auditor.

17 (a) Specific duties.--An internal auditor of a Commonwealth
18 agency shall:

19 (1) Report directly to the administrator of the
20 Commonwealth agency.

21 (2) Develop an annual audit plan for the Commonwealth
22 agency.

23 (3) Conduct audits as specified in the audit plan and
24 document deviations.

25 (4) Prepare audit reports.

26 (5) As follows:

27 (i) Conduct quality assurance reviews in accordance
28 with:

29 (A) The standards for the professional practice
30 of internal auditing in effect upon the effective

1 date of this section.

2 (B) The Code of Ethics contained in the
3 Professional Practices Framework as promulgated by
4 the Institute of Internal Auditors in effect upon the
5 effective date of this section.

6 (C) Generally accepted government auditing
7 standards.

8 (ii) Periodically take part in a comprehensive
9 external peer review.

10 (6) Conduct operational audits and other audits as
11 directed by the administrator of the Commonwealth agency.

12 (b) Administration.--A program of internal auditing
13 conducted by a Commonwealth agency must provide for the internal
14 auditor of the Commonwealth agency to:

15 (1) Have access to the administrator of the Commonwealth
16 agency.

17 (2) Be free of all operational and management
18 responsibilities that would impair the internal auditor's
19 ability to review independently all aspects of the operations
20 of the Commonwealth agency.

21 Section 2806-J. Audit plans and audit reports.

22 (a) Audit plan.--The annual audit plan developed by an
23 internal auditor of a Commonwealth agency must be approved by
24 the administrator of the Commonwealth agency.

25 (b) Audit report.--An audit report for a Commonwealth agency
26 must be reviewed by the administrator of the Commonwealth
27 agency.

28 Section 2807-J. Annual reports.

29 (a) Requirement.--No later than each November 1, an internal
30 auditor of a Commonwealth agency shall prepare an annual report

1 on the program of internal auditing of the Commonwealth agency.

2 (b) Form.--The Auditor General shall prescribe the proposed
3 form of the annual reports.

4 (c) Submittal.--Each report under this section shall be
5 submitted to:

6 (1) The Governor.

7 (2) The Auditor General.

8 (3) The administrator of the Commonwealth agency.

9 (4) The members of the General Assembly.

10 Section 2808-J. Periodic audits, action plans and responses.

11 (a) Requirement.--A Commonwealth agency shall submit a copy
12 of the following to the entities specified in section 2807-J(c)
13 (1), (2) and (4):

14 (1) A periodic audit performed by the internal auditor
15 of the Commonwealth agency, no later than 30 days after the
16 date that the internal auditor submits the periodic audit to
17 the administrator of the Commonwealth agency.

18 (2) An action plan or other response issued by the
19 administrator of the Commonwealth agency in response to a
20 report from the internal auditor of the Commonwealth agency,
21 no later than 30 days after the action plan or other response
22 is prepared.

23 (b) Compelling information.--If the Commonwealth agency
24 fails to submit the information specified in this section, an
25 entity specified under section 2807-J(c) (1), (2) and (4) may
26 take appropriate action to compel the submittal of the
27 information.

28 Section 2809-J. Consultations.

29 An internal auditor of a Commonwealth agency may consult the
30 administrator of the Commonwealth agency, the Office of the

1 Governor, the Auditor General or any other Commonwealth agency
2 about matters affecting duties or responsibilities under this
3 article.

4 Section 2810-J. Professional development.

5 (a) Assistance.--The Auditor General may make available and
6 coordinate a program of training and technical assistance to:

7 (1) Ensure that internal auditors have access to current
8 information about internal audit techniques, policies and
9 procedures.

10 (2) Provide general technical and audit assistance to
11 internal auditors upon request.

12 (b) Reimbursement.--The Auditor General shall be entitled to
13 reimbursement for the costs associated with providing the
14 services under this section under the terms of interagency
15 cooperation contracts negotiated between the Auditor General and
16 each Commonwealth agency.

17 Section 2811-J. Risk assessment.

18 (a) Applicability.--In lieu of the procedures specified in
19 sections 2804-J, 2805-J, 2806-J, 2807-J, 2808-J, 2809-J and
20 2810-J, a Commonwealth agency may opt instead to comply with
21 this section if the Commonwealth agency:

22 (1) has an annual operating budget that is less than
23 \$10,000,000;

24 (2) has fewer than 100 full-time equivalent employees;
25 or

26 (3) receives and processes less than \$10,000,000 in cash
27 in a fiscal year.

28 (b) Requirement.--Each year, a Commonwealth agency shall
29 conduct a formal risk assessment consisting of an executive
30 management review of functions, activities and processes of the

1 Commonwealth agency.

2 (c) Conditions.--A risk assessment under this section must:

3 (1) Evaluate the probability of occurrence and the
4 likely effect of financial, managerial and compliance risks
5 and of risks related to the use of information technology.

6 (2) Rank risks according to the probability of
7 occurrence and likely effect of the risks evaluated.

8 (d) Submittal.--The Commonwealth agency shall submit a
9 report on the risk assessment to the Auditor General in the form
10 and at the time prescribed by the Auditor General.

11 (e) Evaluation.--Based on risk assessment, the Auditor
12 General shall:

13 (1) Evaluate each report submitted under this section.

14 (2) Identify Commonwealth agencies under this section
15 with significant financial, managerial or compliance risk or
16 significant risk related to the use of information
17 technology.

18 (3) Recommend to the administrator of a Commonwealth
19 agency identified under paragraph (2) that the Commonwealth
20 agency obtain an audit to address the significant risks
21 identified by the Auditor General.

22 (f) Duties of administrator.--The administrator of a
23 Commonwealth agency identified under subsection (e) (2) may order
24 the Commonwealth agency to:

25 (1) Obtain an audit under governmental auditing
26 standards.

27 (2) Submit reports and action plans as prescribed by
28 section 2808-J.

29 (3) Report to the Auditor General on the status of the
30 Commonwealth agency's implementation of audit recommendations

1 in the form and addressing issues as prescribed by the
2 Auditor General.

3 Section 2812-J. Publication.

4 (a) Requirement.--Consistent with the act of February 14,
5 2008 (P.L.6, No.3), known as the Right-to-Know Law, a
6 Commonwealth agency shall post on the publicly accessible
7 Internet website of the Commonwealth agency:

8 (1) The Commonwealth agency's audit plan under section
9 2806-J.

10 (2) The Commonwealth agency's annual reports under
11 section 2807-J.

12 (b) Updates.--A Commonwealth agency shall update the posting
13 required under this section to include:

14 (1) A detailed summary of the weaknesses, deficiencies,
15 wrongdoings or other concerns, if any, raised by the audit
16 plan or annual report of the Commonwealth agency.

17 (2) A summary of the action taken by the Commonwealth
18 agency to address the concerns, if any, that are raised by
19 the audit plan or annual report of the Commonwealth agency.

20 Section 2. This act shall take effect in 60 days.