

Legislative Analysis



AUDITOR GENERAL: CONFIDENTIAL INFORMATION

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5464 as introduced
Sponsor: Rep. Edward McBroom
Committee: Oversight and Ethics
Complete to 3-16-16

Analysis available at
<http://www.legislature.mi.gov>

REVISED SUMMARY:

The bill would amend Public Act 1, of 2003, which specifies in statute the powers and duties of the auditor general, to specifically allow the auditor general to gain access and examine confidential information of each branch, department, office, board, commission, agency, authority, and institution of the state.

The bill also specifically adds "electronically stored information" to the kinds of information the auditor general can access and examine (in addition to books, accounts, documents, records, performance activities, and financial affairs). It also adds, "Notwithstanding any other provision of law to the contrary" to the section granting access and powers of examination to information, including confidential information. Under the bill, both of the following apply to confidential information obtained:

- The auditor general is subject to the same duty of confidentiality imposed by law on the entity providing confidential information.
- The auditor general is subject to any civil or criminal penalties imposed by law for willfully and intentionally disclosing confidential information.

The bill also would rewrite several sections of the act dealing with misdemeanor penalties without making a substantive change.

BACKGROUND:

Article IV, Section 53 of the State Constitution provides for the legislature to appoint an auditor general, who must be a licensed certified public accountant. The auditor general is charged with conducting post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state. In addition, the auditor general is required to perform performance post audits of these entities.

FISCAL IMPACT:

The bill does not appear to have significant direct fiscal impact.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.