



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4259 (Substitute S-1 as reported)
Sponsor: Representative Joseph Graves
House Committee: Oversight
Senate Committee: Government Operations

CONTENT

The bill would amend Public Act 1 of 2003, which provides for the audit and examination of the State and State funds, to do the following:

- Specify that, notwithstanding any provision of law to the contrary or in which the Auditor General's access was limited by law, the Auditor General would be authorized to access and examine, or caused to be accessed and examined, in addition to material the Auditor General is currently authorized to examine, electronically stored information and confidential information of each State branch, department, office, agency, and institution.
- Specify that the Auditor General would be subject to the same duty of confidentiality imposed by law on the entity providing the confidential information, and to any civil or criminal penalties imposed for willfully and intentionally disclosing that information.
- Specify that State officers and employees would not be subject to civil or criminal penalties for providing information requested by the Auditor General.
- Require a State branch, department, office, board, commission, agency, authority, or institution to provide the Auditor General with unrestricted access to materials currently specified under the Act, as well as electronically stored information, and confidential information.
- Specify that the entity providing the information to the Auditor General would be responsible for paying all costs to produce it.
- Prohibit State officers and employees from restricting the Auditor General's access to requested information regardless of whether the information was sought for the purpose of performing an audit of another state program or agency.
- Authorize the Auditor General to compel the production of electronically stored information and confidential information.
- Specify that the Act would not authorize the Auditor General to access or examine records or information subject to the attorney-client privilege.
- Specify that the Auditor General's working papers and memoranda would be exempt from the Freedom of Information Act.

MCL 13.101

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-6-18

Fiscal Analyst: Joe Carrasco