



**House  
Legislative  
Analysis  
Section**

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**STATUTORY REFERENCES TO  
AUDITOR GENERAL**

**House Bills 5611-5615 as introduced  
First Analysis (2-14-02)**

**Sponsor: Rep. Bruce Patterson  
Committee: House Oversight and  
Operations**

***THE APPARENT PROBLEM:***

As part of the rewriting of the state constitution in 1963, the office of auditor general was converted from an elected position to a position appointed by the legislature. The 1963 constitution requires the auditor general to conduct 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, and to conduct performance post audits of those entities. It also authorizes the auditor general to make investigations pertinent to the conduct of audits, and requires the auditor general to report annually (and at other times as considered necessary) to the legislature and the governor. The constitution says that the auditor general “shall be assigned no other duties than those specified” in the constitution (Article 4, Section 53).

Accordingly, the Executive Organization Act of 1965 transferred all of the auditor general’s powers (except those granted under the constitution) to the Department of Treasury. However, many statutes that refer to the auditor general were never amended to reflect these changes.

***THE CONTENT OF THE BILLS:***

The bills would amend several acts to delete references to certain duties of the auditor general.

House Bill 5611 would amend Public Act 16 of 1895 (MCL 15.51). The act requires the secretary of state and the deputy secretary of state, and the private secretary and the executive clerk of the governor, to provide bonds to the people of the state, “conditioned for the faithful discharge of their official duties”, and for the safe and lawful custody of money and property entrusted to them. The act requires that the bonds be given with three or more sureties to be approved by the auditor general and the attorney general, and requires that certain of the bonds be filed and kept in the office of the auditor general. The bill

would eliminate references to the auditor general in these provisions, and instead require the state treasurer to fulfill those duties.

House Bill 5612 would amend Public Act 204 of 1958 (MCL 2.53), concerning the compensation and mileage payments to delegates to the constitutional convention. The act requires such payments to be paid monthly by the state treasurer upon warrants of the auditor general. The bill would delete the references to the auditor general in this provision.

House Bill 5613 would amend Public Act 62 of 1872 (MCL 6.15), concerning trials of impeachment. The bill would delete a requirement that the auditor general countersign a certificate stating the expenses of the Senate and the House of Representatives in conducting proceedings under the act.

House Bill 5614 would amend Public Act 6 of 1901 (MCL 10.11), which allows the governor to employ clerks and assistants, who are to be compensated on the warrant of the auditor general. The bill would eliminate the reference to the auditor general and instead provide that the state treasurer would issue warrants to pay these employees. In addition, the bill would delete a provision that limits that salaries of the governor’s assistants to \$1,200 per year.

House Bill 5615 would amend the statute entitled “Of certain state officers”, Chapter 12 of the Revised Statutes of 1846 (MCL 15.36). The act requires certain officers to take the constitutional oath of office. The bill would amend this act to delete references to the deputy auditor general, as well as to the acting commissioner of internal improvements and the secretary of the board of internal improvements.

House Bills 5611-5615 (2-14-02)

**BACKGROUND INFORMATION:**

Related legislation. Senate Bills 884-918, which are pending before the Senate, would similarly amend various acts to remove obsolete references to the duties of the auditor general. And, reportedly additional bills addressing the same issue are expected to be introduced in the House.

Duties and operations of the Office of the Auditor General. The Office of the Auditor General’s web site ([www.state.mi.us/audgen](http://www.state.mi.us/audgen)) provides information about the office’s constitutional and statutory responsibilities, including financial audits, single audits, performance audits, and combined performance and financial audits. The site also contains the text of audit reports completed by the office.

**FISCAL IMPLICATIONS:**

Fiscal information is not available.

**ARGUMENTS:**

***For:***

The bills would simply “clean up” many statutory references that have been obsolete since the office of auditor general became an appointed position with the adoption of the 1963 state constitution. The functions referred to in many of the listed statutes have long since been transferred to the treasury department, or have been abolished. With many citizens now using electronic search engines and Internet access to obtain information about state government, these outdated references simply serve to confuse people, and they should be removed from the compiled laws.

**POSITIONS:**

The Office of the Auditor General supports the bills.  
(2-12-02)

Analyst: D. Martens

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