



**House
Legislative
Analysis
Section**

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**STATUTORY REFERENCES TO
AUDITOR GENERAL**

**House Bills 5661-5663, 5668, and 5669 as
introduced**

Sponsor: Rep. Bruce Patterson

House Bills 5666 and 5667 as introduced

Sponsor: Rep. Larry Julian

House Bills 5670 and 5671 as introduced

Sponsor: Rep. Gilda Z. Jacobs

House Bills 5672 and 5673 as introduced

Sponsor: Rep. Alexander C. Lipsey

**Committee: House Oversight and
Operations**

**Senate Bills 884-886, 888, 890, 894, and
895 as passed by the Senate**

Sponsor: Sen. Thaddeus G. McCotter

**House Committee: House Oversight and
Operations**

**Senate Committee: Government
Operations**

First Analysis (2-21-02)

House Bills 5661-5663, 5666-5673, Senate Bills 884-886, 888, 890 and 894 (2-21-02)

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 5661 would amend Public Act 153 of 1897 (MCL 14.111 and 14.112) to delete references to the auditor general in provisions concerning the payment of expenses for litigation involving the state.

House Bill 5662 would amend Public Act 375 of 1927 (MCL 14.133) to delete references to the auditor general in provisions concerning the collection of past due taxes and accounts.

House Bill 5663 would repeal Public Act 200 of 1879 (MCL 15.41), which requires the auditor general and the commissioner of the state land office to post a bond upon taking office. Further, the bill would repeal Public Act 1 of the 2nd Extra Session of 1948 (MCL 15.201-15.202), which sets the compensation of the governor at \$22,500, and the compensation of the secretary of state, state treasurer, auditor general, and attorney general at \$12,500. And, the bill would repeal section 3 of Public Act 111 of 1861 (MCL 21.183), which refers to the auditor general issuing warrants on state bank accounts.

House Bill 5666 would amend Public Act 59 of 1935 (MCL 28.12a), which created the Michigan State Police, to delete a reference to the auditor general drawing warrants to pay claims for injury or property damage caused by the negligent operation of a vehicle by the state police.

House Bill 5667 would amend the State Employees' Retirement Act (MCL 38.9) to delete references to the auditor general in provisions concerning the payment of disbursements from the retirement system, and concerning the approval of a bond posted by the state treasurer as custodian of the retirement funds.

House Bill 5668 would amend Public Act 246 of 1931 (MCL 41.280), which concerns sidewalks and pavements in townships, to eliminate references to the auditor general in provisions concerning the payment of assessments on state land.

House Bill 5669 would amend the act entitled "Of county officers" (MCL 51.82) to delete a reference to the auditor general in a provision concerning state payments for services of county sheriffs.

House Bill 5670 would amend the Home Rule Village Act (MCL 78.9) to remove a reference to the auditor general in a provision concerning the filing of certificates regarding boundary changes in villages.

House Bill 5671 would amend the Fourth Class City Act (MCL 102.4) to remove a reference to the auditor general in a provision concerning the filing of resolutions or ordinances regarding city boundaries.

House Bill 5672 would amend Public Act 123 of 1949 (MCL 123.34) to remove a reference to the

auditor general in a provision concerning the disconnection of land from cities and villages.

House Bill 5673 would amend Public Act 190 of 1879 (MCL 201.91) to remove a reference to the auditor general in a provision concerning vacancies in office, where the officer's salary is paid by state funds.

Senate Bill 884 would amend Public Act 149 of 1919 (MCL 395.7 and 395.8), which pertains to federal appropriations for vocational education, to remove references to the auditor general drawing warrants for payment of state funds to school districts.

Senate Bill 885 would amend the Social Welfare Act (MCL 400.15) to remove a reference to the auditor general in a provision requiring the Social Welfare Commission to report grants and gifts received.

Senate Bill 886 would amend Public Act 59 of 1921 (MCL 404.32), which pertains to relieving counties and the state from supporting certain aliens subject to deportation, to remove a reference to the auditor general in a provision concerning the records of state, county or private institutions housing "alien inmates".

Senate Bill 888 would amend the statute entitled "Of specific state taxes and duties", Chapter 21 of the Revised Statutes of 1846 (MCL 446.30), to remove a reference to the auditor general from a provision pertaining to auction duties received by county treasurers.

Senate Bill 890 would repeal Public Act 263 of 1909 (MCL 453.451 and 453.452), which authorizes the Michigan dairyman's association to hold an annual meeting and appropriates \$300 for the costs of the meeting, drawn on the warrant of the auditor general.

Senate Bill 894 would amend the Code of Criminal Procedure (MCL 774.26a and 776.6) to replace references to the auditor general with references to the state treasurer in a provision concerning the approval of forms for municipal courts to use in recording accounts, and in a provision concerning auditing the accounts of agents appointed by the governor to "demand from the executive authority" of other states or foreign governments any fugitives from justice or persons charged with treason.

Senate Bill 895 would amend the corrections code (MCL 800.49 and 800.61) to delete references to the auditor general in provisions concerning the audit of accounts of sheriffs submitting expenses to the state

for conveying convicts to prison, and the accounts of wardens submitting expenses for apprehending escaped prisoners.

BACKGROUND INFORMATION:

Related legislation. The bills are part of a larger package of legislation, which also includes House Bills 5611-5615 (currently pending before the House), and Senate Bills 887, 889, 891, 892, 893, 896-907. (Reportedly, others are yet to be introduced.)

Duties and operations of the Office of the Auditor General. The Office of the Auditor General’s web site (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:

According to the Senate Fiscal Agency, none of the Senate Bills would have any fiscal impact on the state or local units of government. (2-11-02)

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.

Response:

Many of the acts being amended date from the 1800s. Perhaps the legislature should take this opportunity to examine these acts to see if they need to be retained in statute. Additionally, reportedly some of the bills in this package are in need of technical amendments.

POSITIONS:

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

Analyst: D. Martens

■ 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.