



House of Representatives

General Assembly

File No. 506

January Session, 2013

Substitute House Bill No. 6492

House of Representatives, April 15, 2013

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING THE CONFIDENTIALITY OF EMPLOYEES
SUPPLYING INFORMATION TO THE AUDITORS OF PUBLIC
ACCOUNTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 2-90 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) The Auditors of Public Accounts shall organize the work of their
4 office in such manner as they deem most economical and efficient and
5 shall determine the scope and frequency of any audit they conduct.

6 (b) Said auditors, with the Comptroller, shall, at least annually and
7 as frequently as they deem necessary, audit the books and accounts of
8 the Treasurer, including, but not limited to, trust funds, as defined in
9 section 3-13c, and certify the results to the Governor. The auditors
10 shall, at least annually and as frequently as they deem necessary, audit
11 the books and accounts of the Comptroller and certify the results to the

12 Governor. They shall examine and prepare certificates of audit with
13 respect to the financial statements contained in the annual reports of
14 the Treasurer and Comptroller, which certificates shall be made part of
15 such annual reports. In carrying out their responsibilities under this
16 section, said auditors may retain independent auditors to assist them.

17 (c) Said auditors shall audit, on a biennial basis if deemed most
18 economical and efficient, or as frequently as they deem necessary, the
19 books and accounts of each officer, department, commission, board
20 and court of the state government, all institutions supported by the
21 state and all public and quasi-public bodies, politic and corporate,
22 created by public or special act of the General Assembly and not
23 required to be audited or subject to reporting requirements, under the
24 provisions of chapter 111. Each such audit may include an examination
25 of performance in order to determine effectiveness in achieving
26 expressed legislative purposes. The auditors shall report their findings
27 and recommendations to the Governor, the State Comptroller, the joint
28 standing committee of the General Assembly having cognizance of
29 matters relating to appropriations and the budgets of state agencies,
30 and the Legislative Program Review and Investigations Committee.

31 (d) The Auditors of Public Accounts may enter into such contractual
32 agreements as may be necessary for the discharge of their duties. Any
33 audit or report which is prepared by a person, firm or corporation
34 pursuant to any contract with the Auditors of Public Accounts shall
35 bear the signature of the person primarily responsible for the
36 preparation of such audit or report. As used in this subsection, the
37 term "person" means a natural person.

38 (e) If the Auditors of Public Accounts discover, or if it should come
39 to their knowledge, that any unauthorized, illegal, irregular or unsafe
40 handling or expenditure of state funds or any breakdown in the
41 safekeeping of any resources of the state has occurred or is
42 contemplated, they shall forthwith present the facts to the Governor,
43 the State Comptroller, the clerk of each house of the General Assembly,
44 the Legislative Program Review and Investigations Committee and the

45 Attorney General. Any Auditor of Public Accounts neglecting to make
46 such a report, or any agent of the auditors neglecting to report to the
47 Auditors of Public Accounts any such matter discovered by him or
48 coming to his knowledge shall be fined not more than one hundred
49 dollars or imprisoned not more than six months or both.

50 (f) All reports issued or made pursuant to this section shall be
51 retained in the offices of the Auditors of Public Accounts for a period
52 of not less than five years. The auditors shall file one copy of each such
53 report with the State Librarian.

54 (g) Each state agency shall keep its accounts in such form and by
55 such methods as to exhibit the facts required by said auditors and, the
56 provisions of any other general statute notwithstanding, shall make all
57 records and accounts available to them or their agents, upon demand.

58 (h) Where there are statutory requirements of confidentiality with
59 regard to such records and accounts or examinations of
60 nongovernmental entities which are maintained by a state agency,
61 such requirements of confidentiality and the penalties for the violation
62 thereof shall apply to the auditors and to their authorized
63 representatives in the same manner and to the same extent as such
64 requirements of confidentiality and penalties apply to such state
65 agency. In addition, the portion of (1) any audit or report prepared by
66 the Auditors of Public Accounts that concerns the internal control
67 structure of a state information system or the identity of an employee
68 who provides information regarding alleged fraud or weaknesses in
69 the control structure of a state agency that may lead to fraud, or (2) any
70 document that may reveal the identity of such employee, shall not be
71 subject to disclosure under the Freedom of Information Act, as defined
72 in section 1-200.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	2-90

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill extends certain exemptions to the Auditors of Public Accounts (APA) from disclosure under the Freedom of Information Act. This does not result in a fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 6492*****AN ACT CONCERNING THE CONFIDENTIALITY OF EMPLOYEES SUPPLYING INFORMATION TO THE AUDITORS OF PUBLIC ACCOUNTS.*****SUMMARY:**

This bill exempts from disclosure under the Freedom of Information Act (FOIA) the portion of (1) any audit or report prepared by the Auditors of Public Accounts that concerns the identity of an employee who provides information regarding (a) alleged fraud or (b) weaknesses in the control structure of an agency that may lead to fraud and (2) any document that may reveal the identity of such an employee.

By law, the identity of an employee who files a formal whistleblower complaint with the auditors is exempt from FOIA, but the exemption does not currently extend to employees who provide information to them in other situations (e.g., answering questions during the course of a routine audit).

EFFECTIVE DATE: October 1, 2013

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 0 (03/27/2013)