



2015 ASSEMBLY BILL 9

January 21, 2015 – Introduced by JOINT LEGISLATIVE AUDIT COMMITTEE. Referred to Joint Legislative Audit Committee.

1 **AN ACT to amend** 13.94 (intro.); and **to create** 5.05 (5s) (bm) of the statutes;
2 **relating to:** Legislative Audit Bureau access to documents maintained by state
3 agencies and authorizing the Government Accountability Board to provide
4 investigatory records to the Legislative Audit Bureau.

Analysis by the Legislative Reference Bureau

The Legislative Audit Bureau (LAB) currently has access, at any time and without notice, to all state agencies and to any of their documents that relate to agency expenditures, revenues, operations, and structure. State agencies, in this regard, include not only executive branch agencies, but also legislative and judicial branch bodies, numerous quasi-public entities, and entities that receive more than 50 percent of their funding from state funds.

On July 10, 2014, the attorney general issued an opinion (OAG-03-14) that the Government Accountability Board (GAB) could not provide certain investigative records to LAB. These records could only be released if specifically authorized by law and the attorney general concluded that the LAB's general authority to have access to state agency documents was insufficiently specific and thus was not a specific authorization. In particular, the attorney general found that current law did not "grant LAB the general right to obtain documents made confidential by other statutory sections."

This bill clarifies LAB authority to have access to all state agency documents by providing that LAB also has specific access to state agency documents that relate to agency expenditures, revenues, operations, and structure that are confidential by

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law. In addition, the bill requires GAB to provide investigatory records to LAB to the extent necessary for LAB to carry out its duties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 5.05 (5s) (bm) of the statutes is created to read:

2 5.05 (**5s**) (bm) The board shall provide investigatory records to the state auditor
3 and the employees of the legislative audit bureau to the extent necessary for the
4 bureau to carry out its duties under s. 13.94.

5 **SECTION 2.** 13.94 (intro.) of the statutes is amended to read:

6 **13.94 Legislative audit bureau.** (intro.) There is created a bureau to be
7 known as the “Legislative Audit Bureau”, headed by a chief known as the “State
8 Auditor”. The bureau shall be strictly nonpartisan and shall at all times observe the
9 confidential nature of any audit currently being performed. Subject to s. 230.35 (4)
10 (a) and (f), the state auditor or designated employees shall at all times with or
11 without notice have access to all departments and to any books, records or other
12 documents maintained by the departments and relating to their expenditures,
13 revenues, operations and structure, including specifically any such books, records,
14 or other documents that are confidential by law, except as provided in sub. (4) and
15 except that access to documents of counties, cities, villages, towns or school districts
16 is limited to work performed in connection with audits authorized under sub. (1) (m).
17 In the discharge of any duty imposed by law, the state auditor may subpoena
18 witnesses, administer oaths and take testimony and cause the deposition of
19 witnesses to be taken as prescribed for taking depositions in civil actions in circuit
20 courts.

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(END)