

BILL ANALYSIS

Senate Research Center
77R4818 JD-F

S.B. 796
By: Madla
State Affairs
3/23/2001
As Filed

DIGEST AND PURPOSE

Currently, audit working papers of the state auditor are statutorily excepted from the disclosure requirements of the Open Records Act. In addition, the Texas attorney general has issued opinions confirming that this exception is necessary to perform the law enforcement duties of the state auditor's office. Although the statutory law enforcement duties of a county auditor, and auditors of other political subdivisions, require the same level of security that is necessary and granted to the state auditor, current law does not exempt the audit working papers of a county auditor from these disclosure requirements. As a result, auditors of political subdivisions must seek an attorney general opinion on each open records request for audit working papers despite the fact that the attorney general has consistently issued opinions finding that audit working papers are not subject to these disclosure requirements. The purpose of this bill is to provide the same statutory exemption to auditors of political subdivisions that is provided to the state auditor. As proposed, S.B. 796 exempts the audit working papers or draft audit report of an auditor of a political subdivision from the public information disclosure requirements if the audit is conducted according to generally accepted auditing standards as prescribed by certain entities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.116, Government Code, to provide that an audit working paper of an auditor of a political subdivision of this state is excepted from the requirements of Section 552.021 if the audit is conducted in accordance with generally accepted auditing standards as prescribed by the American Institute of Certified Public Accountants, the Governmental Accounting Standards Board, the United States General Accounting Office, or another professionally recognized entity that prescribes auditing standards.

SECTION 2. Effective date: upon passage or September 1, 2001.

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