

# Government Administration and Elections Committee

## JOINT FAVORABLE REPORT

**Bill No.:** SB-438

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE AUDITORS OF

**Title:** PUBLIC ACCOUNTS.

**Vote Date:** 3/28/2022

**Vote Action:** Joint Favorable

**PH Date:** 3/25/2022

**File No.:**

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### SPONSORS OF BILL:

Government Administration and Elections Committee

### REASONS FOR BILL:

The reason for this bill is to implement several recommendations from the Auditors of Public Accounts, such as excluding from a Freedom of Information request the disclosure of records of an investigation or the name of a whistleblower employee, which was deemed necessary to protect whistleblowers and prevent retaliation. It would also require periodic background checks for licensed school bus drivers in order to protect students and require municipal public hearings for reports of financial irregularities in order to better address such irregularities. The bill would also make minor and technical changes to existing statutes regarding the name of an annual report.

### RESPONSE FROM ADMINISTRATION/AGENCY:

**Clark Chapin and John Geragosian, State Auditors of Public Accounts**, stated their support of this bill. They stated that section one would protect the confidentiality of whistleblowers and prevent malicious filings against said individuals. They also supported section two, on the grounds that the Department of Motor Vehicles does not currently check with national crime database after the initial application for a school bus driver license. They stated their support of section three on the grounds that it would ensure the public is aware of potential municipal financial issues and can monitor the steps taken to address them. They also stated their support of sections 4 through 8 to change the report's name from the Comprehensive Annual Financial Report to the Annual Comprehensive Financial Report. This change was in response to stakeholder concerns that the common pronunciation of the report's previous acronym sounded similar to a racial slur. They recommended two minor changes, firstly stating that The Office of the Attorney General suggested the following: (13) Records of an investigation including any complaint or the name of an employee providing

information under the provisions of section 4-61dd or sections 4-276 to 4-280, inclusive. Their second request was to change Section 4-61dd (b) (1) (B), so that it was amended to read: (B) The complaint is better suited for investigation or enforcement by another federal, state, local, or other appropriate agency.

**The Freedom of Information Commission**, took no position on this bill, due to the contested nature of a pending case regarding whistleblower protections under FOI law as to whether the existence of a whistleblower complaint constitutes a "record of an investigation". They also stated that at the federal level, while there are protections for the identity of a whistleblower, records pertaining to an investigation, including the substance of the complaints themselves, are subject to disclosure.

**NATURE AND SOURCES OF SUPPORT:**

None provided

**NATURE AND SOURCES OF OPPOSITION:**

**David Godbout, Constituent**, testified in opposition to all bills before the committee, under the claim of nullification.

**Reported by: Cameron Clarke**

**Date: 3/28/2022**