GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 885

Short Title: State Auditor Records Access.

(Public)

Sponsors: Senators Cooper; and Martin of Guilford.

Referred to: Judiciary I.

April 13, 1999

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A BILL TO BE ENTITLED

N ACT CLARIFYING THE AUTHORITY OF THE STATE AUDITOR TO EXAMINE STATE EMPLOYEE PERSONNEL RECORDS.

2 The General Assembly of North Carolina enacts:

Section 1. G.S. 147-64.7(a) reads as rewritten:

- "(a) Access to Persons and Records. –
- 5 (1) The Auditor and his authorized representatives shall have ready access 6 to persons and may examine and copy all books, records, reports, 7 vouchers, correspondence, files, <u>personnel files</u>, investments, and any 8 other documentation of any State agency. The review of State tax 9 returns shall be limited to matters of official business and the Auditor's 10 report shall not violate the confidentiality provisions of tax laws.
- 11 (2) The Auditor and his duly authorized representatives shall have such 12 access to persons, records, papers, reports, vouchers, correspondence, 13 books, and any other documentation which is in the possession of any 14 individual, private corporation, institution, association, board, or other 15 organization which pertain to: 16 a. Amounts received pursuant to a grant or contract from the federal
 - a. Amounts received pursuant to a grant or contract from the federal government, the State, or its political subdivisions.

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1	b. Amounts received, disbursed, or otherwise handled on behalf of				
2	the federal government or the State. In order to determine that				
3	payments to providers of social and medical services are legal				
4	and proper, the providers of such services will give the Auditor,				
5	or his authorized representatives, access to the records of				
6	recipients who receive such services.				
7	(3) The Auditor shall, for the purpose of examination and audit authorized				
8	by this act, have the authority, and will be provided ready access, to				
9	examine and inspect all property, equipment, and facilities in the				
10	possession of any State agency or any individual, private corporation,				
11	institution, association, board, or other organization which were				
12	furnished or otherwise provided through grant, contract, or any other				
13	type of funding by the State of North Carolina, or the federal				
14	government.				
15	(4) All contracts or grants entered into by State agencies or political				
16	subdivisions shall include, as a necessary part, a clause providing				
17	access as intended by this section.				
18	(5) The Auditor and his authorized agents are authorized to examine all				
19	books and accounts of any individual, firm, or corporation only insofar				
20	as they relate to transactions with any agency of the State."				
21	Section 2. G.S. 147-64.6(d) reads as rewritten:				
22	"(d) Reports and Work Papers The Auditor shall maintain for 10 years a				
23	complete file of all audit reports and reports of other examinations, investigations,				
24	surveys, and reviews issued under his authority. Audit work papers and other evidence				
25	and related supportive material directly pertaining to the work of his office shall be				
26	retained according to an agreement between the Auditor and State Archives. To promote				
27	intergovernmental cooperation and avoid unnecessary duplication of audit effort, and				
28	notwithstanding the provisions of G.S. 126-24, pertinent work papers and other				
29	supportive material related to issued audit reports may be, at the discretion of the Auditor				
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31	representatives of the State and federal government who desire access to and inspection				
32	of such records in connection with some matter officially before them. them, including				
33	criminal investigations.				
34	Except as provided above, or upon subpoena issued by a duly authorized court or				
35	court official, audit work papers shall be kept confidential."				
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35 court official, audit work papers shall be kept confidential."
36 Section 3. This act is effective when it becomes law.