

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 80

Short Title: State Auditor Disclosure and Discovery Act. (Public)

Sponsors: Senators Britt, Craven, and Perry (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 8, 2023

A BILL TO BE ENTITLED

AN ACT TO ENACT THE STATE AUDITOR DISCLOSURE AND DISCOVERY ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 147-64.6 reads as rewritten:

"§ 147-64.6. Duties and responsibilities.

...

(c) Responsibilities. – The Auditor is responsible for the following acts and activities:

(1) Audits made or caused to be made by the Auditor shall be conducted in accordance with generally accepted auditing standards as prescribed by the American Institute of Certified Public Accountants, the United States General Accounting Office, or other professionally recognized accounting standards-setting bodies.

...

(20) Whenever the Auditor believes that information received or collected by the Auditor may be evidence of criminal misconduct, the Auditor shall report that information to ~~either~~ the State Bureau of Investigation ~~or~~ and the district attorney for the county where the alleged misconduct occurred. Nothing in this subdivision limits the Auditor's authority under subdivision (1) of this ~~subsection~~ subsection except that the Auditor shall not make any extrajudicial statements that have a likelihood of prejudicing a criminal investigation, an adjudicatory proceeding during the pendency of a criminal investigation, or a subsequent prosecution.

...

(d) Reports and Work Papers. – The Auditor shall maintain for 10 years a complete file of all audit reports and reports of other examinations, investigations, surveys, and reviews issued under the Auditor's authority. Audit work papers and other evidence and related supportive material directly pertaining to the work of the Auditor's office shall be retained according to an agreement between the Auditor and State Archives.

(d1) Sharing Records with Other Agencies. – To promote intergovernmental cooperation and avoid unnecessary duplication of audit and investigative effort, and notwithstanding the provisions of G.S. 126-24, the complete file and other pertinent work papers and all other supportive material related to an audit or investigation made pursuant to this section may be, at the discretion of the Auditor and unless otherwise prohibited by law, made available for inspection by duly authorized shall be provided to any representatives of the State and federal government who desire access to and inspection of the records in connection with some matter officially before them, including criminal investigations. The Auditor, however, may seek a



1 protective order regarding the use and disclosure of all or part of a record by filing a civil action
2 in superior court in the county where jurisdiction over a related potential criminal action exists.
3 The Auditor shall demonstrate by clear and convincing evidence that the order is either necessary
4 to protect the confidential or privileged nature of all or part of the record or is required by other
5 law of this State or federal law. The Auditor shall provide the representative of the State or federal
6 government requesting the record 10 days' notice, and the court shall hold a hearing if requested
7 by either party.

8 (d2) Confidentiality. – Except as provided in this ~~section, section~~ or ~~upon an order issued~~
9 ~~in Wake County Superior Court upon 10 days' notice and hearing finding that access is necessary~~
10 ~~to a proper administration of justice, to comply with a court order,~~ audit work papers and related
11 supportive material are confidential, including any interpretations, advisory opinions, or other
12 information or materials furnished to or by the State Ethics Commission under this section.

13"

14 **SECTION 2.** This act is effective when it becomes law.