

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 549
Committee Substitute Favorable 4/8/25

Short Title: Clarify Powers of State Auditor.

(Public)

Sponsors:

Referred to:

March 31, 2025

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THE POWERS OF THE STATE AUDITOR AND TO MAKE OTHER
CHANGES RELATED TO THE STATE AUDITOR.
The General Assembly of North Carolina enacts:

PART I. CLARIFY POWERS OF STATE AUDITOR

SECTION 1. G.S. 143-64.24 reads as rewritten:

"§ 143-64.24. Applicability of Article.

This Article ~~shall~~ does not apply to the following agencies:

...

(10) The Office of the State Auditor."

SECTION 2. G.S. 143B-1320(b) reads as rewritten:

"(b) Exemptions. – Except as otherwise specifically provided by law, ~~the provisions of this Chapter do~~ this Article does not apply to the following entities: the General Assembly, the Judicial Department, ~~and~~ The University of North Carolina and its constituent ~~institutions.~~ institutions, and the Office of the State Auditor. These entities may elect to participate in the information technology programs, services, or contracts offered by the Department, including information technology procurement, in accordance with the statutes, policies, and rules of the Department. The election must be made in writing, as follows:

(1) For the General Assembly, by the Legislative Services Commission.

(2) For the Judicial Department, by the Chief Justice.

(3) For The University of North Carolina, by the Board of Governors.

(4) For the constituent institutions of The University of North Carolina, by the respective boards of trustees.

(5) For the Office of the State Auditor, by the State Auditor."

SECTION 3. G.S. 143B-1350 reads as rewritten:

"§ 143B-1350. Procurement of information technology.

(a) The State CIO is responsible for establishing policies and procedures for information technology procurement for State agencies.

~~Notwithstanding~~ Except as otherwise provided by subsection (1) of this section, ~~notwithstanding~~ any other provision of law, the Department shall procure all information technology goods and services for participating agencies and shall approve information technology procurements for separate agencies. The State CIO may cancel or suspend any agency information technology procurement that occurs without State CIO approval.

...



(l) The Office of the State Auditor is exempt from this Part and may procure information technology services pursuant to G.S. 147-64.7(b)(1)."

SECTION 4. G.S. 147-64.4 reads as rewritten:

"§ 147-64.4. Definitions.

The following definitions apply in this Article:

...

(3) Federal agency. – Any department, agency, or instrumentality of the federal ~~government and government,~~ any federally owned or controlled ~~corporation, corporation,~~ or entity that receives federal funds.

...

(4) State agency. – Any department, political subdivision, institution, board, commission, committee, division, bureau, officer, official or any other entity for which the State has oversight responsibility, including but not limited to, any university, mental or specialty hospital, community college, or clerk of court. The term also includes any entity that receives State funds."

SECTION 5. G.S. 147-64.6B(b) reads as rewritten:

"(b) The Auditor shall investigate reports of allegations of improper governmental activities of State ~~agencies and State employees~~ agencies, employees of those agencies, and individuals who receive public funds within the scope of authority set forth in G.S. 147-64.6, including misappropriation, mismanagement, or waste of State resources, fraud, violations of State or federal law, rule or regulation by State agencies or State employees administering State or federal programs, and substantial and specific danger to the public health and safety. When the allegation involves issues of substantial and specific danger to the public health and safety, the Auditor shall notify the appropriate State agency immediately. When the Auditor believes that an allegation of improper governmental activity is outside the authority set forth in G.S. 147-64.6, the Auditor shall refer the allegation to the appropriate State agency responsible for the enforcement or administration of the matter for investigation. When the Auditor believes that an allegation of improper governmental activity involves matters set forth in subdivisions (1), (2), or (3) of this subsection, those matters shall be referred as follows:

- (1) Allegations of criminal misconduct to either the State Bureau of Investigation or the District Attorney for the county where the alleged misconduct occurred.
- (2) Allegations of violations of Chapter 138A, Chapter 120C and Article 14 of Chapter 120 of the General Statutes to the State Ethics Commission.
- (3) Allegations of violations of Chapter 163 of the General Statutes to the State Board of Elections."

SECTION 6. G.S. 147-64.7 reads as rewritten:

"§ 147-64.7. Authority.

(a) Access to Persons and Records. –

- (1) The Auditor and the Auditor's authorized representatives shall have ready access to persons and may examine and copy all books, records, reports, vouchers, correspondence, files, personnel files, investments, and any other documentation of any State agency. Upon demand of the Auditor, access shall extend to continuous and unrestricted view of databases, datasets, and digital records necessary for any purpose within the authority of the Auditor, including performing audits of any type, assessing government efficiency, risk assessment, fraud detection, audit planning, and evidence gathering. The review of State tax returns shall be limited to matters of official business and the Auditor's report shall not violate the confidentiality provisions of tax laws. Notwithstanding confidentiality provisions of tax laws, the Auditor may use and disclose information related to overdue tax debts in support of the Auditor's statutory mission.

- (2) The Auditor and the Auditor's duly authorized representatives shall have ~~such~~ access to persons, records, papers, reports, vouchers, correspondence, books, and any other documentation ~~which-that~~ is in the possession of any individual, private corporation, institution, association, board, or other organization ~~which-that~~ pertain to either of the following:
- a. Amounts received pursuant to a grant or contract from the federal government, the State, or its political subdivisions.
 - b. Amounts received, disbursed, or otherwise handled on behalf of the federal government or the State. In order to determine that payments to providers of social and medical services are legal and proper, the providers of ~~such-these~~ services ~~will-shall~~ give the Auditor, or the Auditor's authorized representatives, access to the records of recipients ~~who-that~~ receive such-these services.
- (3) The Auditor ~~shall, has,~~ for the purpose of examination and audit authorized by this act, ~~have~~ the authority, and ~~will-shall~~ be provided ready access, to examine and inspect all property, equipment, and facilities in the possession of any State agency or any individual, private corporation, institution, association, board, or other organization ~~which-that~~ were furnished or otherwise provided through grant, contract, or any other type of funding by the State of North ~~Carolina, Carolina~~ or the federal government.
- (4) All contracts or grants entered into by State agencies or political subdivisions shall include, as a necessary part, a clause providing access as intended by this section.
- (5) The Auditor and ~~his-the~~ Auditor's authorized ~~agents-are-authorized-to~~ representatives may examine all books and accounts of any individual, firm, or corporation only insofar as they relate to transactions with any agency of the State.
- (a1) Hearing. – If a person fails or refuses to provide to the Auditor or the Auditor's authorized representatives the access described in subsection (a) of this section, the Auditor may commence an action in superior court for a show cause hearing. The person shall appear at the hearing and show cause why the person failed or refused to comply with subsection (a) of this section. The court may issue an injunction to the person to comply with subsection (a) of this section.

...."

PART II. OTHER STATE AUDITOR AMENDMENTS

SECTION 7. G.S. 126-5 reads as rewritten:

"§ 126-5. Employees subject to Chapter; exemptions.

...

- (c1) Except as to Articles 6 and 7 of this Chapter, this Chapter does not apply to any of the following:

...

(41) Officers and employees of the Office of the State Auditor.

...

- (c14) Notwithstanding any provision of this Chapter to the contrary, each Council of State agency not exempted under subsection (c1) of this section and the Office of the State Controller has the sole authority to set the salary of its exempt policymaking and exempt managerial positions within the minimum rates, and the maximum rates plus ten percent (10%), established by the State Human Resources Commission under G.S. 126-4(2).

...."

SECTION 8. G.S. 143B-168.12(b) is repealed.

1 **SECTION 9.** Section 62(b) of S.L. 2014-115 is repealed.

2 **SECTION 10.** G.S. 143B-1410 is repealed.

3 **SECTION 11.** G.S. 147-64.6(c) reads as rewritten:

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

5 ...

6 (24) If an audit or investigation reveals that money is owed to a State agency by a
7 person pursuant to a contract, transaction, or other arrangement authorized by
8 law, the Auditor shall notify the Department of Revenue so that the owed
9 amount may be collected."

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11 **PART III. EFFECTIVE DATE**

12 **SECTION 12.** Sections 1, 2, and 3 of this act become effective July 1, 2025, and
13 apply to contracts entered into or renewed on or after that date. The remainder of this act is
14 effective when it becomes law.