

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

2

SENATE BILL 744

State Personnel and State Government Committee Substitute Adopted 4/26/93

Short Title: Tech. Corr./State Auditor's Duties.

(Public)

Sponsors:

Referred to: Appropriations.

April 8, 1993

A BILL TO BE ENTITLED

1 AN ACT TO AMEND VARIOUS STATUTES TO DELETE OBSOLETE
2 REFERENCES TO WARRANTS ISSUED BY THE STATE AUDITOR, TO
3 MAKE TECHNICAL CORRECTIONS IN REFERENCES TO THE STATE
4 AUDITOR'S OVERSIGHT, AND TO REPEAL CHAPTER 112 OF THE
5 GENERAL STATUTES CONFEDERATE HOMES AND PENSIONS.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 43-51 reads as rewritten:

9 **"§ 43-51. Satisfaction by third person or by Treasurer.**

10 If there are defendants other than the State Treasurer, and judgment is rendered in
11 favor of the plaintiff and against the Treasurer and some or all of the other defendants,
12 execution shall first be issued against the other defendants, and if such execution is
13 returned unsatisfied in whole or in part, and the officer returning the same shall certify
14 that it cannot be collected from the property and effects of the other defendants, or if the
15 judgment be against the Treasurer only, the clerk of the court shall certify the amount
16 due on the execution to the ~~State Auditor, who shall issue his warrant therefor upon the~~
17 State Treasurer, and the same shall be paid. In all such cases the Treasurer may employ
18 counsel who shall receive reasonable compensation for his services from the assurance
19 fund."

20 Sec. 2. G.S. 53-134 reads as rewritten:

21 **"§ 53-134. Offenses declared misdemeanors; prosecution; employment of counsel;
22 punishment.**

1 Any offense against the banking laws of the State of North Carolina which is not
2 elsewhere specifically declared to be a crime, or for which elsewhere a penalty is not
3 specifically provided, is hereby declared to be a misdemeanor, and shall be punishable
4 at the discretion of the court. The Commissioner of Banks is authorized and directed to
5 prosecute all offenses against the banking laws of the State, and to that end is expressly
6 authorized to employ counsel to prosecute in the inferior courts and to aid the district
7 attorney in the superior courts. ~~The Auditor of the State shall, upon the certificate of the~~
8 ~~Commissioner of Banks, Banks shall accompanied by an itemized statement of the~~
9 ~~account, draw his warrant upon the State Treasurer to compensate the counsel so~~
10 ~~employed, and the State Treasurer shall pay the same out of the funds in the treasury~~
11 ~~and not otherwise appropriated."~~

12 Sec. 3. G.S. 58-88-15 reads as rewritten:

13 **"§ 58-88-15. Accounting; reports; audits.**

14 The Board shall keep a correct account of all monies received and disbursed by the
15 Board; and shall annually file a report with the Commissioner of Insurance at such time
16 and in such form prescribed by the Commissioner of Insurance and the State Auditor.
17 The Board shall be bonded by the sum of any money total for which it is responsible.
18 ~~The State Auditor shall annually conduct an audit of the Fund and the Board's~~
19 ~~administration of the Fund. The books, records, and operations of the Board shall be~~
20 subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of
21 the General Statutes."

22 Sec. 4. G.S. 90-171.25 reads as rewritten:

23 **"§ 90-171.25. Custody and use of funds.**

24 The executive director shall deposit in financial institutions designated by the Board
25 as official depositories all fees payable to the Board. The funds shall be deposited in the
26 name of the Board and shall be used to pay all expenses incurred by the Board in
27 carrying out the purposes of this Article. ~~Such funds shall be annually audited by the~~
28 ~~State Auditor."~~

29 Sec. 5. G.S. 90-270.18 reads as rewritten:

30 **"§ 90-270.18. Disposition of fees.**

31 All fees derived from the operation of this Article shall be deposited with the State
32 Treasurer to the credit of a revolving fund for the use of the Board in carrying out its
33 functions. ~~The financial records of the Board shall be subjected to an annual audit,~~
34 ~~supervised by the State Auditor, and paid for out of the funds of the Board."~~

35 Sec. 6. G.S. 90C-7 reads as rewritten:

36 **"§ 90C-7. Executive Director.**

37 The Executive Director shall deposit all fees payable to the Board in financial
38 institutions designated by the Board as official depositories. The funds shall be
39 deposited in the name of the Board and shall be used to pay all expenses incurred by the
40 Board in carrying out the purposes of this Chapter. ~~The Board shall be audited annually~~
41 ~~by the State Auditor."~~

42 Sec. 7. G. S. 105-164.41 reads as rewritten:

43 **"§ 105-164.41. Excess payments; refunds.**

1 If upon examination of any return made under this Article, it appears that an amount
2 of tax has been paid in excess of that properly due, then the amount in excess shall be
3 credited against any tax or installment thereof then due from the taxpayer, under any
4 other subsequent return, or shall be refunded to the taxpayer ~~by certificate of~~
5 ~~overpayment issued by the Secretary to the State Auditor, and the Auditor shall issue his~~
6 ~~warrant on the Treasurer, which warrant shall be payable out of any funds appropriated~~
7 for that purpose."

8 Sec. 8. G.S. 111-18 reads as rewritten:

9 **"§ 111-18. Payment of awards.**

10 After an award to a blind person has been made by the board of county
11 commissioners, and approved by the Department of Human Resources the Department
12 of Human Resources shall thereafter pay to such person to whom such award is made
13 the amount of said award in monthly payments, or in such manner and under such terms
14 as the Department of Human Resources shall determine. Such payment shall be ~~made~~
15 ~~by warrant of the State Auditor,~~ drawn upon such funds in the hands of the State
16 Treasurer, at the instance and request and upon a proper voucher signed by the
17 Secretary of Human Resources, and shall not be subject to the provisions of the
18 Executive Budget Act as to approval of said expenditure.

19 It is intended that awards paid to recipients under this Article be for the purpose of
20 assisting in defraying the recipient's day-to-day living expenses. To better achieve this
21 purpose it is hereby provided that no moneys belonging to a recipient of aid to the blind
22 under this Article identifiable as moneys paid pursuant to an aid to the blind award shall
23 be subject to levy under execution, attachment or garnishment."

24 Sec. 9. G.S. 111-27.1 reads as rewritten:

25 **"§ 111-27.1. Department of Human Resources authorized to conduct certain**
26 **business operations.**

27 For the purpose of assisting blind persons to become self- supporting the Department
28 of Human Resources is hereby authorized to carry on activities to promote the
29 rehabilitation and employment of the blind, including the operation of various business
30 enterprises suitable for the blind to be employed in or to operate. The Executive Budget
31 Act shall apply to the operation of such enterprises as to all appropriations made by the
32 State to aid in the organization and the establishment of such businesses. Purchases and
33 sales of merchandise or equipment, the payment of rents and wages to blind persons
34 operating such businesses, and other expenses thereof, from funds derived from local
35 subscriptions and from the day-by-day operations shall not be subject to the provisions
36 of law regulating purchases and contracts, or to the deposit and disbursement thereof
37 applicable to State funds but shall be supervised by the Department of Human
38 Resources. All of the business operations under this law, however, shall be subject to
39 regular audits by the oversight of the State Auditor pursuant to Article 5A of Chapter
40 147 of the General Statutes.

41 After September 30, 1983, Randolph-Sheppard vendors will no longer be State
42 employees. Blind licensees operating vending facilities under contract with the North
43 Carolina Department of Human Resources, Division of Services for the Blind, are
44 independent contractors."

1 Sec. 10. Chapter 112 of the General Statutes, being G.S. 112-5 through G.S.
2 112-37, is repealed.

3 Sec. 11. G.S. 115C-133 reads as rewritten:

4 **"§ 115C-133. When clothing, etc., for pupils paid for by county.**

5 Where it shall appear to the satisfaction of the director of social services and the
6 chairman of the board of county commissioners of any county in this State that the
7 parents of any blind child residing in such county are then unable to provide such child
8 with clothing or traveling expenses or both to and from the Governor Morehead School,
9 or where such child has no living parent, or any estate of his own, or any person, or
10 persons, upon which he is legally dependent who are able to provide expenses for such
11 transportation and clothing, then upon the demand of the institution which such child
12 attends or has been accepted for attendance, ~~said demand being made through the State~~
13 ~~Auditor,~~ the board of county commissioners of the county in which such child resides
14 shall ~~issue or cause to be issued its warrant payable to the State Auditor, same to be~~
15 ~~credited pay~~ to the proper institution, for the payment of institution an amount sufficient
16 to clothe and pay traveling expenses of said child."

17 Sec. 12. G.S. 127A-106 reads as rewritten:

18 **"§ 127A-106. Paid by the State.**

19 When the militia or any portion thereof shall be ordered by the Governor into State
20 service, the pay, subsistence, transportation and other necessary expenses incident
21 thereto shall be paid by the State Treasurer, upon the approval of the Governor ~~and~~
22 ~~warrant of the auditor."~~

23 Sec. 13. G.S. 135-8(f) reads as rewritten:

24 "(f) Collection of Contributions.

25 (1) The collection of members' contributions shall be as follows:

26 a. Each employer shall cause to be deducted on each and every
27 payroll of a member for each and every payroll subsequent to
28 the date of establishment of the Retirement System the
29 contributions payable by such member as provided in this
30 Chapter, and the employer shall draw his warrant for the
31 amount so deducted, payable to the Teachers' and State
32 Employees' Retirement System of North Carolina, and shall
33 transmit the same, together with schedule of the contributions,
34 on such forms as prescribed.

35 (2) The collection of employers' contributions shall be made as follows:

36 a. Upon the basis of each actuarial valuation provided herein there
37 shall be prepared biennially and certified to the Department of
38 Administration a statement of the total amount necessary for the
39 ensuing biennium to the pension accumulation and expense
40 funds, as provided under subsections (d) and (f) of this section,
41 and these funds shall be handled and disbursed in accordance
42 with Chapter 100, Public Laws of 1929, and amendments
43 thereto (G.S. 143-1 **et seq.**), known as the Executive Budget
44 Act.

- 1 b. Until the first valuation has been made and the rates computed
2 as provided in subsection (d) of this section, the amount payable
3 by employers on account of the normal and accrued liability
4 contributions shall be five and fifty-one one-hundredths percent
5 (5.51%) of the payroll of all teachers and three and sixteen one-
6 hundredths percent (3.16%) for other State employees.
- 7 ~~e. The auditor shall issue his warrant to the State Treasurer
8 directing the State Treasurer to pay this sum to the Board of
9 Trustees, from the appropriations for the Teachers' and State
10 Employees' Retirement System.~~
- 11 d. Each board of education in each county and each board of
12 education in each city in which teachers or other employees of
13 the schools receive compensation for services in the public
14 schools from sources other than the appropriation of the State of
15 North Carolina shall pay the Board of Trustees of the State
16 Retirement System such rate of their respective salaries as are
17 paid those of other employees.
- 18 e. Each employer shall transmit monthly to the State Retirement
19 System on account of each employee, who is a member of this
20 System, an amount sufficient to cover the normal contribution
21 and the accrued liability contribution of each member employed
22 by such employer for the preceding month.
- 23 (3) In the event the employee or employer contributions required under
24 this section are not received by the date set by the Board of Trustees,
25 the Board shall assess the employer with a penalty of 1% per month
26 with a minimum penalty of twenty-five dollars (\$25.00). If within 90
27 days after request therefor by the Board any employer shall not have
28 provided the System with the records and other information required
29 hereunder or if the full accrued amount of the contributions provided
30 for under this section due from members employed by an employer or
31 from an employer other than the State shall not have been received by
32 the System from the chief fiscal officer of such employer within 30
33 days after the last due date as herein provided, then, notwithstanding
34 anything herein or in the provisions of any other law to the contrary,
35 upon notification by the Board to the State Treasurer as to the default
36 of such employer as herein provided, any distributions which might
37 otherwise be made to such employer from any funds of the State shall
38 be withheld from such employer until notice from the Board to the
39 State Treasurer that such employer is no longer in default."

40 Sec. 14. G.S. 143-247.2 reads as rewritten:

41 **"§ 143-247.2. Contributions for nongame wildlife.**

42 The Wildlife Resources Commission is hereby authorized to issue and sell
43 appropriate emblems by which to identify recipients thereof as contributors to a special
44 wildlife conservation fund which shall be held and accounted for as a separate part of

1 the Wildlife Resources Fund and which shall be made available to the Wildlife
2 Resources Commission for conservation, protection, enhancement, preservation and
3 perpetuation of nongame wildlife species and those species which may be endangered
4 or threatened with extinction. The special wildlife conservation fund ~~will be audited by~~
5 ~~the State Auditor.~~ is subject to the oversight of the State Auditor pursuant to Article 5A
6 of Chapter 147 of the General Statutes. Emblems of different size, shape, type or design
7 may be used to recognize contributions in different amounts, but no such emblem shall
8 be issued for a contribution amounting in value to less than five dollars (\$5.00)."

9 Sec. 15. G.S. 143-250.1(f) reads as rewritten:

10 "(f) Expenditure of the income derived from the Wildlife Endowment Fund shall
11 be made through the State budget accounts of the Wildlife Resources Commission in
12 accordance with the provisions of the Executive Budget Act. The Wildlife Endowment
13 Fund is subject to the oversight of the State Auditor pursuant to ~~G.S. 147-58.~~ Article 5A
14 of Chapter 147 of the General Statutes."

15 Sec. 16. G.S. 143B-289.8(f) reads as rewritten:

16 "(f) Expenditure of the income derived from the Marine Fisheries Endowment
17 Fund shall be made through the State budget accounts of the Marine Fisheries
18 Commission in accordance with the provisions of the Executive Budget Act. The
19 Marine Fisheries Endowment Fund is subject to the oversight of the State Auditor
20 pursuant to ~~G.S. 147-58.~~ Article 5A of Chapter 147 of the General Statutes."

21 Sec. 17. G.S. 143B-289.9(b) reads as rewritten:

22 "(b) The Marine Fisheries Commission is hereby authorized to issue and sell
23 appropriate emblems by which to identify recipients thereof as contributors to a special
24 marine and estuarine resources conservation fund which shall be made available to the
25 Marine Fisheries Commission for conservation, protection, enhancement, preservation
26 and perpetuation of marine and estuarine species which may be endangered or
27 threatened with extinction and for education about these issues. The special
28 conservation fund ~~will be audited by the State Auditor.~~ is subject to oversight of the
29 State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes. Emblems
30 of different size, shape, type or design may be used to recognize contributions in
31 different amounts, but no such emblem shall be issued for a contribution amounting in
32 value to less than five dollars (\$5.00)."

33 Sec. 18. G.S. 148-29 reads as rewritten:

34 "**§ 148-29. Transportation of convicts to prison; sheriff's expense affidavit; State**
35 **not liable for maintenance expenses until convict received.**

36 The sheriff having in charge any prisoner to be taken to the Central Prison at Raleigh
37 shall send him to the Central Prison within five days after the adjournment of the court
38 at which he was sentenced, if no appeal has been taken. The sheriff shall file with the
39 board of commissioners of his county a copy of his affidavit as to necessary guard,
40 together with a copy of his itemized account of expenses, both certified to by ~~the~~
41 ~~Auditor~~ him as true copies of those on file in his office. The State is not liable for the
42 expenses of maintaining convicts until they have been received by the State Department
43 of Correction authorities, nor shall any moneys be paid out of the treasury for support of
44 convicts prior to such reception."

1 Sec. 19. G.S. 7A-343.1 reads as rewritten:

2 **"§ 7A-343.1. Distribution of copies of the appellate division reports.**

3 The Administrative Officer of the Courts shall, at the State's expense distribute such
4 number of copies of the appellate division reports to federal, State departments and
5 agencies, and to educational institutions of instruction, as follows:

6 Governor, Office of the	1
7 Lieutenant Governor, Office of the	1
8 Secretary of State, Department of the	2
9 <u>State Auditor, Department of the</u>	<u>1</u>
10 Treasurer, Department of the State	1
11 Superintendent of Public Instruction	1
12 Office of the Attorney General	11
13 State Bureau of Investigation	1
14 Agriculture, Department of	1
15 Labor, Department of	1
16 Insurance, Department of	1
17 Budget Bureau, Department of Administration	1
18 Property Control, Department of Administration	1
19 State Planning, Department of Administration	1
20 Board of Environment, Health, and Natural Resources	1
21 Revenue, Department of	1
22 Board of Human Resources	1
23 Commission for the Blind	1
24 Board of Transportation	1
25 Motor Vehicles, Division of	1
26 Utilities Commission	8
27 Industrial Commission	11
28 Office of Administrative Hearings	2
29 Community Colleges, Department of	38
30 Employment Security Commission	1
31 Commission of Correction	1
32 Parole Commission	1
33 Archives and History, Division of	1
34 Crime Control and Public Safety, Department of	2
35 Department of Cultural Resources	3
36 Legislative Building Library	2
37 Justices of the Supreme Court	1 ea.
38 Judges of the Court of Appeals	1 ea.
39 Judges of the Superior Court	1 ea.
40 Clerks of the Superior Court	1 ea.
41 District Attorneys	1 ea.
42 Emergency and Special Judges of the Superior Court	1 ea.

	Court	Library
1 Supreme		
2		
3 AS MANY AS REQUESTED		
4 Appellate Division Reporter		1
5 University of North Carolina, Chapel Hill		71
6 University of North Carolina, Charlotte		1
7 University of North Carolina, Greensboro		1
8 University of North Carolina, Asheville		1
9 North Carolina State University, Raleigh		1
10 Appalachian State University		1
11 East Carolina University		1
12 Fayetteville State University		1
13 North Carolina Central University		17
14 Western Carolina University		1
15 Duke University		17
16 Davidson College		2
17 Wake Forest University		25
18 Lenoir Rhyne College		1
19 Elon College		1
20 Campbell College		25
21 Federal, Out-of-State and Foreign Secretary of State	1	
22 Secretary of Defense		1
23 Secretary of Health, Education and Welfare		1
24 Secretary of Housing and Urban Development		1
25 Secretary of Transportation		1
26 Attorney General		1
27 Department of Justice		1
28 Internal Revenue Service		1
29 Veterans' Administration		1
30 Library of Congress		5
31 Federal Judges resident in North Carolina		1 ea.
32 Marshal of the United States Supreme Court		1
33 Federal District Attorneys resident in North Carolina		1 ea.
34 Federal Clerks of Court resident in North Carolina		1 ea.
35 Supreme Court Library exchange list		1Each

36 justice of the Supreme Court and judge of the Court of Appeals shall receive for his
 37 private use, one complete and up-to-date set of the appellate division reports. The
 38 copies of reports furnished each justice or judge as set out in the table above may be
 39 retained by him personally to enable him to keep up-to-date his personal set of reports."

40 Sec. 20. G.S. 159-34(c) reads as rewritten:

41 "(c) Notwithstanding any other provision of law, except for ~~Article 5 of Chapter~~
 42 ~~147 [Article 5A of Chapter 147]~~ Article 5A of Chapter 147 of the General Statutes
 43 pertaining to the State Auditor, all State departments and agencies shall rely upon the
 44 single audit accepted by the secretary as the basis for compliance with applicable

1 federal and State regulations. All State departments and agencies which provide funds
2 to local governments and public authorities shall provide the Commission with
3 documents approved by the State Auditor in a prescribed format describing standards of
4 compliance and suggested audit procedures sufficient to give adequate direction to
5 independent auditors retained by local governments and public authorities to conduct a
6 single audit as required by this section. The secretary shall be responsible for the annual
7 distribution of all such standards of compliance and suggested audit procedures
8 proposed by State departments and agencies and any amendments thereto. Further, the
9 Commission with the cooperation of all affected State departments and agencies shall be
10 responsible for the following:

- 11 (1) Procedures for the timely distribution of compliance standards
12 developed by State departments and agencies, reviewed and approved
13 by the State Auditor to auditors retained by local governments and
14 public authorities.
- 15 (2) Procedures for the distribution of single audits for local governments
16 and public authorities such that they are available to all State
17 departments and agencies which provide funds to local units.
- 18 (3) The acceptance of single audits on behalf of all State departments and
19 agencies; provided that, the secretary may subsequently revoke such
20 acceptance for cause, whereupon affected State departments and
21 agencies shall no longer rely upon such audit as the basis for
22 compliance with applicable federal and State regulations."

23 Sec. 21. This act is effective upon ratification.