

**ASSEMBLY BILL**

**No. 1102**

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**Introduced by Assembly Member Lara**

February 18, 2011

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An act to amend Section 8545.2 of the Government Code, relating to the State Auditor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as introduced, Lara. State Auditor.

Existing law sets out the authority of the State Auditor generally in conducting audits of specified entities.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8545.2 of the Government Code is  
2 amended to read:  
3 8545.2. (a) Notwithstanding any other provision of law, the  
4 State Auditor *shall*, during regular business hours ~~shall~~, have access  
5 to and authority to examine and reproduce, any and all books,  
6 accounts, reports, vouchers, correspondence files, and all other  
7 records, bank accounts, and money or other property, of any agency  
8 of the state, whether created by the California Constitution or  
9 otherwise, any local governmental entity, including any city,  
10 county, and school or special district, and any publicly created  
11 entity, for any audit or investigation. Any officer or employee of

1 any agency or entity having these records or property in his or her  
2 possession, under his or her control, or otherwise having access  
3 to them, shall permit access to, and examination and reproduction  
4 thereof, upon the request of the State Auditor or his or her  
5 authorized representative.

6 (b) For the purposes of access to and examination and  
7 reproduction of the records and property described in subdivision  
8 (a), an authorized representative of the State Auditor is an employee  
9 or officer of the state or local governmental agency or publicly  
10 created entity involved and is subject to any limitations on release  
11 of the information as may apply to an employee or officer of the  
12 state or local governmental agency or publicly created entity. For  
13 the purpose of conducting any audit or investigation, the State  
14 Auditor or his or her authorized representative shall have access  
15 to the records and property of any public or private entity or person  
16 subject to review or regulation by the public agency or public entity  
17 being audited or investigated to the same extent that employees  
18 or officers of that agency or public entity have access. No provision  
19 of law providing for the confidentiality of any records or property  
20 shall prevent disclosure pursuant to subdivision (a), unless the  
21 provision specifically refers to and precludes access and  
22 examination and reproduction pursuant to subdivision (a). This  
23 subdivision does not apply to records compiled pursuant to Part 1  
24 (commencing with Section 8900) or Part 2 (commencing with  
25 Section 10200) of Division 2.

26 (c) Any officer or person who fails or refuses to permit access  
27 and examination and reproduction, as required by this section, is  
28 guilty of a misdemeanor.