

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 674**

Introduced by Nantkes, 46.

Read first time January 21, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the University of Nebraska; to provide  
2 powers and duties for the Board of Regents of the  
3 University of Nebraska; to provide confidentiality for  
4 certain audit reports, files, and working papers; to  
5 define terms; and to provide a penalty.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. This section applies in the event the Board  
2 of Regents of the University of Nebraska establishes an internal  
3 auditing system consisting of an audit committee, an auditor, and  
4 such other personnel as shall be necessary.

5           (2) All final audit reports issued by the audit committee  
6 or auditor shall be maintained permanently as a public record in  
7 the office of the Corporation Secretary of the Board of Regents of  
8 the University of Nebraska, and a copy of such audit reports shall  
9 be provided to the Auditor of Public Accounts.

10          (3) The audit committee or auditor shall have access to  
11 all records of any University of Nebraska-related unit or entity,  
12 in whatever form or mode the records may be, unless the audit  
13 committee's or auditor's access to the records is specifically  
14 prohibited or limited by federal or state law. The information  
15 obtained as a result of the access is not a public record subject  
16 to disclosure pursuant to sections 84-712 to 84-712.09. When an  
17 audit or investigative finding emanates from nonpublic information  
18 which is nonpublic pursuant to federal or state law, such nonpublic  
19 information is not a public record subject to disclosure pursuant  
20 to sections 84-712 to 84-712.09 and shall not be made public.

21          (4) Working papers and other audit files maintained  
22 by the audit committee or auditor are not public records  
23 subject to disclosure pursuant to sections 84-712 to 84-712.09.  
24 Information contained in working papers and audit files prepared  
25 pursuant to a specific audit is not a public record subject to

1 disclosure pursuant to sections 84-712 to 84-712.09, except to  
2 a county attorney or the Attorney General in connection with an  
3 investigation made or action taken in the course of his or her  
4 official duties or to the Legislative Performance Audit Committee  
5 in the course of the committee's official duties and pursuant to  
6 subdivision (16) of section 50-1205 or subdivision (5) of section  
7 84-304. Federal agencies that have made grants to University of  
8 Nebraska-related units or entities being audited under this section  
9 shall also have access to the relevant working papers and audit  
10 files. The audit committee or auditor may make the working papers  
11 available for purposes of an external quality control review  
12 as required by generally accepted government auditing standards.  
13 However, any reports made from such external quality control review  
14 are not a public record subject to disclosure pursuant to sections  
15 84-712 to 84-712.09 and are confidential.

16 (5) If any member of the audit committee or the auditor  
17 knowingly divulges or makes known in any manner not permitted  
18 by law any confidential record, document, or information, the  
19 disclosure of which is restricted by law, such person shall be  
20 subject to removal or impeachment and, in addition, is guilty of a  
21 Class III misdemeanor.

22 (6) For purposes of this section:

23 (a) Audit committee means the Audit Committee of the  
24 Board of Regents of the University of Nebraska;

25 (b) Auditor means the internal auditor of the University

1 of Nebraska and any other authorized university officer, employee,  
2 or agent reporting to the auditor or the audit committee; and

3 (c) Working papers means those documents containing  
4 evidence to support the auditor's findings, opinions, conclusions,  
5 and judgments and includes the collection of evidence prepared or  
6 obtained by the auditor during the audit.