

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

SENATE BILL NO. 2118
(Government and Veterans Affairs Committee)
(At the request of the State Treasurer)

AN ACT to amend and reenact sections 1-02-35, 54-11-01, and 54-11-04 of the North Dakota Century Code, relating to warrants, duties, and records of the state treasurer; and to repeal section 54-11-03 of the North Dakota Century Code, relating to the redemption of warrants by the state treasurer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 1-02-35 of the North Dakota Century Code is amended and reenacted as follows:

1-02-35. Date of taking effect of code. This code is hereby declared to be an emergency measure and this code shall take effect and be in force immediately upon its passage by the legislative assembly and approval of the governor with the following exceptions: 4-01-14, 6-01-21.4, 6-09-17, 11-10-02, 11-10-06, 12-49-06, 15-21-02, 15-39-16, 15-39-21, 15-39-32, 15-40-07, 15-40-19, 15-40-20, 15-44-02, 15-44-03, 18-03-03, 18-03-04, 18-03-05, 18-03-07, 18-03-08, 18-04-02, 18-04-03, 18-04-05, 18-04-06, 18-05-12, 18-05-13, 19-01-08, 19-05-08, 19-05-09, 19-05-10, 20-13-07, 20-14-08, 24-02-12, 24-02-13, 24-02-37, 25-08-10, 25-08-11, 25-08-13, 25-08-14, 25-08-15, 25-08-16, 25-08-17, 25-08-19, 25-08-20, 25-08-21, 26-22-09, 27-07-02, 27-08-20, 27-18-01, 27-18-02, 27-18-03, 27-18-04, 27-18-05, 29-01-14, 29-07-06, 32-12-03, 32-12-04, 33-01-00.1, 33-01-08, 33-01-23, 33-03-12, 33-12-12, 36-22-09, 37-06-02, 37-06-03, 37-06-06, 37-15-13, 37-15-15, 39-03-08, 40-07-08, 40-14-01, 40-15-01, 40-18-01, 40-18-03, 40-18-05, 40-18-06, 40-18-07, 40-18-08, 40-18-10, 40-18-11, 40-18-13, 40-18-14, 40-18-16, 40-18-17, 40-18-18, 40-18-19, 50-06-14, 54-06-06, 54-06-08, 54-10-01, 54-10-02, 54-10-03, 54-10-04, 54-11-01, 54-11-02, ~~54-11-03~~, 54-12-07, 54-14-01, 54-14-02, 54-15-04, 54-15-05, 54-15-06, 54-15-08, 54-15-09, 54-15-13, 54-16-08, 54-16-09, 54-18-14, 54-23-06, 54-23-41, 54-26-14, 54-27-03, 54-27-04, 54-27-05, 54-27-06, 54-27-07, 54-27-08, 54-27-09, 54-27-11, 54-27-14, 54-27-15, 54-27-15.1, 54-27-15.4, 54-30-16, 55-01-04, 55-01-07, 57-37-24, 57-45-08, 58-05-02, 58-05-07, 61-02-13, and chapter 54-44, except that any portion of those above sections or chapters relating to state purchases and printing, the state printing commission and the state printer are effective upon the final passage and approval of this code. The equivalent sections of the North Dakota Revised Code of 1943 and the 1957 Supplement to the North Dakota Revised Code of 1943 of the above sections are in effect through June 30, 1961.

The following chapters and sections are repealed on July 1, 1961: chapters 10-08, 10-09, 10-10, 10-11, 54-13; sections 6-01-21, 11-10-03, 40-18-02, 54-10-05, 54-10-06, 54-10-07, 54-10-08, 54-10-09, 54-10-11, 54-15-12, 54-15-14, 54-21-15, 54-21-16, 54-27-15.2, and 65-02-10.

SECTION 2. AMENDMENT. Section 54-11-01 of the North Dakota Century Code is amended and reenacted as follows:

54-11-01. Duties of state treasurer. The state treasurer shall:

1. Receive and keep all the moneys belonging to the state not required to be received and kept by some other person.
2. Register the orders or certificates of the office of management and budget delivered to the state treasurer when moneys are paid or to be paid into the treasury.
3. Prepare a receipt for each deposit of money into the treasury. The receipt must show the amount, the source from which the money accrued, and the funds into which it is paid.

The receipts must be numbered in order. Duplicates, if requested, must be delivered to the office of management and budget and the person paying money into the treasury.

4. Pay warrants drawn by the office of management and budget and signed by the state auditor out of the funds upon which they are drawn and in the order in which they are presented.
5. Keep an account of all moneys received and disbursed.
6. Keep separate accounts of the different funds.
7. Keep a record of all revenues and expenditures of state agencies and all moneys received and disbursed by the treasurer in accordance with the requirements of the state's central accounting system.
8. Receive in payment of public dues the warrants drawn by the office of management and budget and signed by the state auditor in conformity with law.
9. Redeem warrants drawn by the office of management and budget and signed by the state auditor in conformity with law, if there is money in the treasury appropriated for that purpose.
10. Report to the office of management and budget on the last day of each month the amount disbursed for the redemption of bonds and the payment of warrants during the month. The report must show:
 - a. The date and number of each bond and warrant;
 - b. The fund out of which each was paid; and
 - c. The balance in cash on hand in the treasury to the credit of each fund.
11. At the request of either house of the legislative assembly, or of any committee thereof, give information in writing as to the condition of the treasury, or upon any subject relating to the duties of office.
12. Submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report must show the exact balance in the treasury to the credit of the state. The report also must show in detail the receipts and disbursements, together with a summary thereof, the balances in the various funds at the beginning and ending of the biennium, and also must show where the funds of the state are deposited. It must be certified by the state treasurer and approved by the governor.
13. Authenticate with the official state seal of the state treasurer all writings and papers issued from the treasurer's office.
14. ~~Keep a book in which the state treasurer shall enter all warrants paid, giving the name of the owner and the number and amount of each warrant.~~
- ~~45.~~ 15. Keep and disburse all moneys belonging to the state in the manner provided by law.
- ~~46.~~ 15. Keep books of the state treasurer open at all times for the inspection of the governor, the state auditor, the commissioner of financial institutions, the office of management and budget, and any committee appointed to examine them by either house of the legislative assembly.
- ~~47.~~ 16. Unless otherwise specified by law, credit all income earned on the deposit or investment of all state moneys to the state's general fund. This subsection does not apply to:

- a. Income earned on state moneys that are deposited or invested to the credit of the industrial commission or any agency, utility, industry, enterprise, or business project operated, managed, controlled, or governed by the industrial commission.
- b. Income earned by the Bank of North Dakota for its own account on state moneys that are deposited in or invested with the Bank.
- c. Income earned on college and university funds not deposited in the state treasury.

~~18.~~ 17. Perform all other duties as are prescribed by law.

SECTION 3. AMENDMENT. Section 54-11-04 of the North Dakota Century Code is amended and reenacted as follows:

54-11-04. Records of state treasurer. The state treasurer shall keep the following records:

1. A ~~cash book in which must be entered the amount~~ record of all moneys received or paid out, showing from whom received or to whom paid and on what account or fund.
2. A ~~ledger in which record that must be kept~~ keep an account with each fund.
3. A daily balance ~~book in which record that must be shown~~ show the amount in state depositories and the amount in cash on hand.
4. ~~Such other books as the state auditor shall prescribe~~ Records must be created and published via electronic devices and must be in compliance with state audit guidelines.

These records must be disposed of in accordance with the procedures established pursuant to chapter 54-46.

SECTION 4. REPEAL. Section 54-11-03 of the North Dakota Century Code is repealed.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2118.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 93 Nays 0 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,
at _____ o'clock _____ M.

Secretary of State