

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1061

Introduced by

Legislative Management

(Workforce Committee)

1 A BILL for an Act to amend and reenact section 54-10-01 of the North Dakota Century Code,
2 relating to the powers and duties of the state auditor.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-10-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-10-01. Powers and duties of state auditor.**

7 The state auditor ~~shall~~:

- 8 1. ~~Be vested with~~Has the duties, powers, and responsibilities involved in performing the
9 postaudit of all financial transactions of the state government, detecting and reporting
10 any defaults, and determining that expenditures have been made in accordance with
11 law and appropriation acts.
- 12 2. ~~Perform~~Shall perform or provide for the audit of the general purpose financial
13 statements and a review of the material included in the comprehensive annual
14 financial report of the state and perform or provide for the audits and reviews of state
15 agencies. Except for the annual audit of the North Dakota lottery required by section
16 53-12.1-03, the state auditor shall audit or review each state agency once every two
17 years. The state auditor shall determine the contents of the audits and reviews of state
18 agencies. The state auditor may conduct any work required by the federal
19 government. The state auditor shall charge an amount equal to the cost of the audit
20 and other services rendered by the state auditor to all agencies that receive and
21 expend moneys from other than the general fund. This charge may be reduced for any
22 agency that receives and expends both general fund and non-general fund moneys.
23 Audits and reviews may be conducted at more frequent intervals if requested by the
24 governor or legislative audit and fiscal review committee.

- 1 3. ~~Be vested with the authority to~~ May determine whether to audit the international peace
2 garden at the request of the board of directors of the international peace garden.
- 3 4. ~~Perform~~ Shall perform or provide for performance audits of state agencies as
4 determined necessary by the state auditor or the legislative audit and fiscal review
5 committee. A performance audit must be done in accordance with generally accepted
6 governmental auditing standards applicable to performance audits. The state auditor
7 may not hire a consultant to assist with conducting a performance audit of a state
8 agency without the prior approval of the legislative audit and fiscal review committee.
9 The state auditor shall notify an agency of the need for a consultant before requesting
10 approval by the legislative audit and fiscal review committee. Except as otherwise
11 provided by statute or by the legislative audit and fiscal review committee, the state
12 auditor, or consultant hired by the state auditor, shall complete a performance audit
13 within ninety business days from the date of commencement of the performance audit.
14 The agency that is audited shall pay for the cost of any consultant approved.
- 15 5. ~~For~~ May contract with a private certified or licensed public accountant or other qualified
16 professional for the audits and reviews the state auditor is authorized to perform or
17 provide for under this section, the audit or review may be provided for by contract with
18 a private certified or licensed public accountant or other qualified professional. If the
19 state auditor determines that the audit or review will be done pursuant to contract, the
20 state auditor, except for occupational or professional boards, shall execute the
21 contract, and any executive branch agency, including higher education institutions,
22 shall pay the fees of the contractor.
- 23 6. ~~Be~~ Is responsible for the ~~above~~ functions provided for under this section and shall
24 report thereon on these functions to the governor and the secretary of state in
25 accordance with section 54-06-04 or more often as circumstances may require.
- 26 7. ~~Perform~~ Shall perform all other duties as prescribed by law.