

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1191

Page 1, line 4, after "budget" insert "; and to amend and reenact section 54-35-02.2 of the North Dakota Century Code, relating to the powers and duties of the legislative audit and fiscal review committee"

Page 1, line 9, replace "Within ninety days of the completion of a state agency audit, the" with "The"

Page 1, line 10, remove "and the director of the budget"

Page 1, after line 11, insert:

**"SECTION 2. AMENDMENT.** Section 54-35-02.2 of the North Dakota Century Code is amended and reenacted as follows:

**54-35-02.2. Powers and duties of the legislative audit and fiscal review committee.**

1. The legislative audit and fiscal review committee shall study and review audit reports as selected by the committee from those submitted by the state auditor, confer with the auditor and deputy auditors in regard to such reports, and when necessary, confer with representatives of the department, agency, or institution audited in order to obtain full and complete information in regard to any and all fiscal transactions and governmental operations of any department, agency, or institution of the state. Each department, agency, or institution shall furnish to the committee ~~such~~ aid, information, and assistance in regard to fiscal transactions and governmental operations as it may from time to time request. ~~Whenever~~
2. ~~If the committee may determine~~determines or ~~have~~has reason to believe that there may have been a violation of law relating to the receipt, custody, or expenditure of public funds by any state officer or employee, the committee shall present ~~such~~the evidence or information ~~as may be in its possession~~ to the attorney general. The attorney general shall receive and accept ~~such~~the evidence or information and shall immediately commence ~~such an~~ additional investigation as the attorney general determines necessary. Upon completion of the investigation, if the evidence supplied by the committee and through the investigation indicates the probability of a violation of law by any state official or employee, the attorney general immediately shall prosecute ~~such~~the official or employee as provided by law. ~~Whenever~~
3. ~~If the committee may determine~~determines that a state agency, department, or institution has failed to correct an audit finding within two bienniums which the committee determines critically important, ~~the:~~
  - a. The committee may recommend the legislative assembly reduce the state agency, department, or institution's appropriation as compared

with the amount appropriated to the agency, department, or institution for the previous biennium;

- b. The committee may direct the office of management and budget to reduce the state agency, department, or institution's current biennial appropriation, excluding federal funds, for salaries and wages and operating expenses as determined by the office of management and budget proportionally as follows:
    - (1) By one percent if the same finding is identified in three audit reports; or
    - (2) By two percent if the same finding is identified in four or more audit reports.
  - c. If the state agency, department, or institution takes action to address the audit findings, the committee may direct the office of management and budget to reinstate the agency, department, or institution's appropriation previously reduced under subdivision b of this subsection.
  - d. Reductions to appropriations under subdivision b of this subsection do not affect the agency, department, or institution's base budget used for budget preparation purposes.
4. The legislative management, through its committee on legislative audit and fiscal review, or such persons as may be directed or employed by the legislative council, is authorized, within the limits of legislative appropriations, to make such audits, examinations, or studies of the fiscal transactions or governmental operations of departments, agencies, or institutions of the state as the legislative management may determine necessary."

Page 1, line 14, remove "**- Report**"

Page 1, line 15, remove "**to the legislative audit and fiscal review committee**"

Page 1, replace lines 16 through 23 with "The office of management and budget shall reduce or reinstate a state agency, department, or institution's current biennial appropriation for salaries and wages and operating expenses, as determined by the office of management and budget, proportionally within thirty days of notification from the legislative audit and fiscal review committee, in accordance with the provisions of section 54-35-02.2."

Renumber accordingly