

HOUSE BILL NO. 1187

Introduced by

Representatives Iverson, Grosz, Kempenich

Senator Andrist

1 A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code,
2 relating to audits of political subdivisions; and to repeal section 54-10-13 of the North Dakota
3 Century Code, relating to audits of political subdivisions by the state auditor.

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

5 **SECTION 1. AMENDMENT.** Section 54-10-14 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-10-14. Political subdivisions - Audits - Fees - Alternative audits and reports.**

8 ~~The state auditor shall audit~~ Each of the following political subdivisions shall submit to an audit
9 once every two years, except as provided in this section or otherwise by law:

- 10 1. Counties.
- 11 2. Cities.
- 12 3. Park districts.
- 13 4. School districts.
- 14 5. Firefighters relief associations.
- 15 6. Airport authorities.
- 16 7. Public libraries.
- 17 8. Water resource districts.
- 18 9. Garrison diversion conservancy district.
- 19 10. Rural fire protection districts.
- 20 11. Special education districts.
- 21 12. Area vocational and technology centers.
- 22 13. Correction centers.
- 23 14. Recreation service districts.
- 24 15. Weed boards.

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- 1 16. Irrigation districts.
- 2 17. Rural ambulance service districts.
- 3 18. Southwest water authority.
- 4 19. Regional planning councils.
- 5 20. Soil conservation districts.

6 ~~The state auditor shall charge the political subdivision an amount equal to the fair value~~
7 ~~of the audit and any other services rendered. The political subdivision audited shall pay to the~~
8 ~~state treasurer the fees for the audit performed by the state auditor. The state treasurer shall~~
9 ~~deposit the fees in the state auditor operating account. The state treasurer shall credit the state~~
10 ~~auditor operating account with the amount of interest earnings attributable to the deposits in~~
11 ~~that account. Expenses relating to political subdivision audits must be paid from the state~~
12 ~~auditor operating account, within the limits of legislative appropriation.~~

13 In lieu of ~~conducting~~ an audit every two years, the state auditor may require annual
14 reports from school districts with less than one hundred enrolled students, cities with less than
15 three hundred population, park districts with less than two hundred thousand dollars of annual
16 receipts, and other political subdivisions subject to this section, or otherwise provided by law,
17 with less than one hundred thousand dollars of annual receipts. The reports must contain the
18 financial information required by the state auditor. The state auditor also may make any
19 additional examination or audit determined necessary in addition to the annual report. When a
20 report is not filed, the state auditor may charge the political subdivision an amount equal to the
21 fair value of the additional examination or audit and any other services rendered. The state
22 auditor may charge a political subdivision a fee not to exceed fifty dollars an hour for the costs
23 of reviewing the annual report.

24 A political subdivision, ~~at the option of its governing body, may~~ must be audited by a
25 certified public accountant or licensed public accountant ~~rather than by the state auditor.~~ The
26 public accountant shall comply with generally accepted government auditing standards for
27 audits of political subdivisions. The report must be in the form and content required by the state
28 auditor. The number of copies of the audit report requested by the state auditor must be filed
29 with the state auditor when the public accountant delivers the audit report to the political
30 subdivision. The state auditor shall review the audit report to determine if the report is in the
31 required form and has the required content, and if the audit meets generally accepted

1 government auditing standards. The state auditor also may periodically review the public
2 accountant's workpapers to determine if the audit meets generally accepted government
3 auditing standards. If the report is in the required form and has the required content, and the
4 report and workpapers comply with generally accepted government auditing standards, the
5 state auditor shall accept the audit report. The state auditor may charge the political
6 subdivision a fee of up to fifty dollars an hour, but not to exceed five hundred dollars per review,
7 for the related costs of reviewing the audit report and workpapers.

8 A political subdivision may not pay a public accountant for an audit until the state auditor
9 has accepted the audit. However, a political subdivision may make progress payments to the
10 public accountant. A political subdivision shall retain twenty percent of any progress payment
11 until the audit report is accepted by the state auditor.

12 The state auditor may require the correction of any irregularities, objectionable
13 accounting procedures, or illegal actions on the part of the governing board, officers, or
14 employees of the political subdivision disclosed by the audit report or workpapers, and failure to
15 make the corrections shall result in audits being resumed by the state auditor until the
16 irregularities, objectionable accounting procedures, or illegal actions are corrected.

17 **SECTION 2. REPEAL.** Section 54-10-13 of the North Dakota Century Code is
18 repealed.