

HOUSE BILL NO. 1100

Introduced by

Judiciary Committee

(At the request of the State Auditor)

1 A BILL for an Act to amend and reenact sections 54-10-21, 54-10-26, 54-11-04, and 54-27-08
2 of the North Dakota Century Code, relating to the duties and working papers of the state
3 auditor.

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

5 **SECTION 1. AMENDMENT.** Section 54-10-21 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-10-21. Duty of state auditor on failures by officers.** The state auditor ~~shall~~ may
8 report to the attorney general the refusal or neglect of any state ~~or county~~ officer to obey the
9 state auditor's ~~instructions, and~~ recommendations. After investigation, the attorney general
10 ~~promptly shall~~ may take appropriate action to enforce compliance therewith.

11 **SECTION 2. AMENDMENT.** Section 54-10-26 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **54-10-26. State auditor's working papers - Confidential.** Working papers of the
14 state auditor are not public records and are exempt from section 44-04-18. Working papers
15 include records kept by the auditor of the procedures applied, the tests performed, the
16 information obtained, ~~and~~ the pertinent conclusions reached in the engagement, all auditor
17 internal and other correspondence relating to an audit or investigation, and all draft reports or
18 portions thereof. Working papers may be, at the discretion of the state auditor and unless
19 otherwise prohibited by law, made available for inspection. A draft audit report given to a state
20 agency or political subdivision being audited is confidential until the final audit report is
21 completed or work ceases on the audit. The issued audit report is public information. The
22 working papers of an issued audit report are public. At the discretion of the state auditor, all or
23 a portion of the working papers of an issued audit report may be declared confidential. Such a

1 declaration of confidentiality must state the reason for the confidentiality and the date, as can
2 best be reasonably determined at the time, when it will be made public.

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

5 **54-11-04. Records of state treasurer.** The state treasurer shall keep the following
6 records:

- 7 1. A cash book in which must be entered the amount of all moneys received or paid
8 out, showing from whom received or to whom paid and on what account or fund.
- 9 2. A ledger in which must be kept an account with each fund.
- 10 3. A daily balance book in which must be shown the amount in state depositories and
11 the amount in cash on hand.
- 12 4. ~~Such other books as the state auditor shall prescribe.~~

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

15 **SECTION 4. AMENDMENT.** Section 54-27-08 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **54-27-08. How moneys paid from state treasury - Warrants - When not necessary.**

18 Except as otherwise provided, moneys may be paid from the state treasury only upon the
19 warrant or order prepared by the office of management and budget drawn on the state
20 treasurer. The ~~state auditor~~ director of the office of management and budget shall recommend
21 a form for order and warrant-check of the state government which must conform, so far as
22 consistent with statutory requirements, to approved banking practice to facilitate handling of
23 such instruments by banks and other depositories. When an order and warrant-check is signed
24 by the state auditor, the state treasurer shall accept the order or warrant with the treasurer's
25 signature, making the order and warrant-check negotiable. No warrant upon the treasurer may
26 be delivered or mailed to the payee or the payee's agent or representative until the warrant has
27 been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank
28 depository. A record must be maintained specifying upon what fund or from what
29 apportionment each warrant is to be paid. The state treasurer may redeem outstanding bonds
30 or pay interest on bonds when due without the warrant of the office of management and budget,
31 retaining the bond or interest coupon as a voucher for the payment until the next settlement.

Fifty-eighth
Legislative Assembly

- 1 With respect to electronic records and electronic signatures, the state treasurer shall utilize the
- 2 services provided by the information technology department.