11.0237.02000

Sixty-second
Legislative Assembly
of North Dakota

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 withHas 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.   PerformShall 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   auditing standards applicable to performance audits. The state auditor may not hire a

7   consultant to assist with conducting a performance audit of a state agency without the

8   prior approval of the legislative audit and fiscal review committee. The state auditor

9   shall notify an agency of the need for a consultant before requesting approval by the

10   legislative audit and fiscal review committee. <u>Except as otherwise provided by statute</u>

11   <u>or by the legislative audit and fiscal review committee, the state auditor, or consultant</u>

12   <u>hired by the state auditor, shall complete a performance audit within ninety days from</u>

13   <u>the date of commencement of the performance audit.</u> The agency that is audited shall

14   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 <u>provided for under this section</u> and <u>shall</u>

24   report ~~thereon~~<u>on these functions</u> 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.