

Introduced by

Representatives Wald, Carlson

Senators Mutch, Solberg

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 regional planning councils by the state auditor.

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

4 **SECTION 1. AMENDMENT.** Section 54-10-14 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **54-10-14. Political subdivisions - Audits - Fees - Alternative audits and reports.**

7 The state auditor shall audit the following political subdivisions once every two years, except as
8 provided in this section or otherwise by law:

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

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

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

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

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

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

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

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

15 The state auditor shall perform all audits of regional planning councils as provided in
16 this section.