

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2004

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; to
2 amend and reenact ~~section~~sections 54-10-01 and 54-10-10 of the North Dakota Century Code,
3 relating to the powers and duties of the state auditor and the salary of the state auditor; to
4 provide for a report; and to declare an emergency.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
9 other income, to the state auditor for the purpose of defraying the expenses of the state auditor,
10 for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
13 Salaries and wages	\$11,767,312	\$988,446	\$12,755,758
14 Operating expenses	1,142,783	261,893	1,404,676
15 Capital assets	0	16,000	16,000
16 Information technology consultants	0	450,000	450,000
17 Total all funds	\$12,910,095	\$1,716,339	\$14,626,434
18 Less estimated income	3,411,487	800,807	4,212,294
19 Total general fund	\$9,498,608	\$915,532	\$10,414,140
20 Full-time equivalent positions	56.00	5.00	61.00
21 <u>Salaries and wages</u>	<u>\$11,767,312</u>	<u>\$900,906</u>	<u>\$12,668,218</u>
22 <u>Operating expenses</u>	<u>1,142,783</u>	<u>19,037</u>	<u>1,161,820</u>
23 <u>Capital assets</u>	<u>0</u>	<u>16,000</u>	<u>16,000</u>
24 <u>Information technology consultants</u>	<u>0</u>	<u>450,000</u>	<u>450,000</u>

1	<u>Total all funds</u>	<u>\$12,910,095</u>	<u>\$1,385,943</u>	<u>\$14,296,038</u>
2	<u>Less estimated income</u>	<u>3,411,487</u>	<u>761,691</u>	<u>4,173,178</u>
3	<u>Total general fund</u>	<u>\$9,498,608</u>	<u>\$624,252</u>	<u>\$10,122,860</u>
4	<u>Full-time equivalent positions</u>	<u>56.00</u>	<u>2.00</u>	<u>58.00</u>

5 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-**

6 **SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the 2019-21 biennium
7 one-time funding items included in the appropriation in section 1 of this Act:

8	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
9	Copier replacement	<u>\$0</u>	<u>\$16,000</u>
10	Total general fund	<u>\$0</u>	<u>\$16,000</u>

11 The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget
12 for the 2021-23 biennium. The state auditor shall report to the appropriations committees of the
13 sixty-seventh legislative assembly on the use of this one-time funding for the biennium
14 beginning July 1, 2019, and ending June 30, 2021.

15 **SECTION 3. AMENDMENT.** Section 54-10-01 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **54-10-01. Powers and duties of state auditor.**

18 The state auditor shall:

- 19 1. Be vested with the duties, powers, and responsibilities involved in performing the
20 postaudit of all financial transactions of the state government, detecting and reporting
21 any defaults, and determining that expenditures have been made in accordance with
22 law and appropriation acts.
- 23 2. Perform or provide for the audit of the general purpose financial statements and a
24 review of the material included in the comprehensive annual financial report of the
25 state and perform or provide for the audits and reviews of state agencies. Except for
26 the annual audit of the North Dakota lottery required by section 53-12.1-03, the state
27 auditor shall audit or review each state agency once every two years. The state
28 auditor shall determine the contents of the audits and reviews of state agencies. The
29 state auditor may conduct any work required by the federal government. The state
30 auditor may not contract for work required by the federal government without the prior
31 approval of the legislative audit and fiscal review committee. The state auditor shall

1 charge an amount equal to the cost of the audit and other services rendered by the
2 state auditor to all agencies that receive and expend moneys from other than the
3 general fund. This charge may be reduced for any agency that receives and expends
4 both general fund and nongeneral fund moneys. State agencies must use nongeneral
5 fund moneys to pay for audits performed by the state auditor. If nongeneral fund
6 moneys are not available, the agency may, upon approval of the legislative assembly,
7 or the budget section if the legislative assembly is not in session, use general fund
8 moneys to pay for audits performed by the state auditor. The budget section reviews
9 and approvals must comply with the new section to chapter 54-35 of the North Dakota
10 Century Code created by section 15 of Senate Bill No. 2055 as adopted by the
11 sixty-sixth legislative assembly. Audits and reviews may be conducted at more
12 frequent intervals if requested by the governor or legislative audit and fiscal review
13 committee.

- 14 3. Be vested with the authority to determine whether to audit the International Peace
15 Garden at the request of the board of directors of the International Peace Garden.
- 16 4. Perform or provide for performance audits of state agencies, or the agencies' blended
17 component units or discreetly presented component units, as determined necessary
18 by the ~~state auditor or~~ legislative assembly; the legislative audit and fiscal review
19 committee; or the state auditor, subject to approval by the legislative audit and fiscal
20 review committee. A performance audit must be done in accordance with generally
21 accepted auditing standards applicable to performance audits. The state auditor may
22 not hire a consultant to assist with conducting a performance audit of a state agency
23 without the prior approval of the legislative audit and fiscal review committee. The
24 state auditor shall notify an agency of the need for a consultant before requesting
25 approval by the legislative audit and fiscal review committee. The agency that is
26 audited shall pay for the cost of any consultant approved.
- 27 5. For the audits and reviews the state auditor is authorized to perform or provide for
28 under this section, the audit or review may be provided for by contract with a private
29 certified or licensed public accountant or other qualified professional. If the state
30 auditor determines that the audit or review will be done pursuant to contract, the state
31 auditor, except for occupational or professional boards, shall execute the contract, and

1 any executive branch agency, including higher education institutions, shall pay the
2 fees of the contractor.

3 6. Be responsible for the above functions and report thereon to the governor and the
4 secretary of state in accordance with section 54-06-04 or more often as circumstances
5 may require.

6 7. Perform all other duties as prescribed by law.

7 **SECTION 4. AMENDMENT.** Section 54-10-10 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **54-10-10. Salary of state auditor.**

10 The annual salary of the state auditor is ~~one hundred two thousand six hundred eighty-nine~~
11 ~~dollars through June 30, 2016, and one hundred five thousand seven hundred seventy dollars~~
12 ~~thereafter~~ one hundred seven thousand eight hundred eighty-five dollars through June 30, 2020,
13 ~~and one hundred eleven thousand one hundred twenty two dollars thereafter~~ one hundred
14 seven thousand eight hundred eighty-five dollars through June 30, 2020, and one hundred ten
15 thousand five hundred eighty-two dollars thereafter.

16 **SECTION 5. AUDIT STAFF UTILIZATION - REPORT TO SIXTY-SEVENTH LEGISLATIVE**

17 **ASSEMBLY.** The state auditor shall monitor the number of audit staff hours dedicated to
18 financial audits, performance audits, mineral resource audits, federal single audit procedures,
19 comprehensive annual financial report procedures, fraud investigation, local government audits,
20 and audits of the institutions of higher education, including financial audits and performance
21 audits. The state auditor shall report to the appropriations committees of the sixty-seventh
22 legislative assembly regarding the number of audit staff hours dedicated to each of these audit
23 functions and any other functions of the state auditor's office during the biennium beginning
24 July 1, 2019, and ending June 30, 2021.

25 **SECTION 6. EMERGENCY.** The sum of \$16,000 provided from the general fund for copier
26 replacement appropriated in section 1 of this Act is declared to be an emergency measure.