

## CHAPTER 54-11 STATE TREASURER

### 54-11-01. Duties and powers of state treasurer.

The state treasurer:

1. Shall receive and safely keep all public moneys which must be deposited into the state treasury and pay out the same as directed by law.
2. Shall collect a record for each deposit of money into the treasury. The record must show the amount, the source from which the money accrued, and the funds into which it is paid. The records must be numbered in order.
3. Shall pay warrants drawn by the office of management and budget and signed by the state auditor and state treasurer out of the funds upon which they are drawn and in the order in which they are presented.
4. Shall keep an account of all moneys received and disbursed.
5. Shall keep separate accounts of the different funds.
6. Shall keep a record of all revenues and expenditures of state agencies and all moneys received and disbursed by the treasurer in accordance with the requirements of the state's central accounting system.
7. Shall receive in payment of public dues the warrants drawn by the office of management and budget and signed by the state auditor and state treasurer in conformity with law.
8. Shall redeem warrants drawn by the office of management and budget and signed by the state auditor and state treasurer in conformity with law, if there is money in the treasury appropriated for that purpose.
9. Shall maintain a report of the payment of warrants during the month. The report must show:
  - a. The date and number of each warrant;
  - b. The fund out of which each was paid; and
  - c. The balance in cash on hand in the treasury to the credit of each fund.
10. Within ninety days of the beginning of each fiscal year, shall provide a report to the budget section of the legislative assembly of all warrants and checks outstanding for more than ninety days and less than three years.
11. At the request of either house of the legislative assembly, or of any committee thereof, shall give information in writing as to the condition of the treasury, or upon any subject relating to the duties of office.
12. Shall submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report must show the exact balance in the treasury to the credit of the state. The report also must show in detail the receipts and disbursements, together with a summary thereof, the balances in the various funds at the beginning and ending of the biennium, and also must show where the funds of the state are deposited. It must be certified by the state treasurer and approved by the governor.
13. Shall authenticate with the official state seal all writings and papers issued from the treasurer's office.
14. Shall keep and disburse all moneys belonging to the state in the manner provided by law.
15. Shall keep books of the state treasurer open at all times for the inspection of the governor, the state auditor, the commissioner of financial institutions, the office of management and budget, and any committee appointed to examine them by either house of the legislative assembly.
16. Unless otherwise specified by law, shall credit all income earned on the deposit or investment of all state moneys to the state's general fund. This subsection does not apply to:
  - a. Income earned on state moneys that are deposited or invested to the credit of the industrial commission or any agency, utility, industry, enterprise, or business project operated, managed, controlled, or governed by the industrial commission.

- b. Income earned by the Bank of North Dakota for its own account on state moneys that are deposited in or invested with the Bank.
  - c. Income earned on college and university funds not deposited in the state treasury.
- 17. Shall perform all other duties as are prescribed by law.
  - 18. Shall correct any underpayment, overpayment, or erroneous payment of tax distribution funds, resulting from an error made by the state treasurer in a timely manner. Unless otherwise provided by law, adjustments may be made from the general fund. This authority is limited to one hundred dollars per biennium, unless approved by the emergency commission. An adjustment of an insignificant amount need not be made at the discretion of the state treasurer. The state treasurer shall adopt a written policy identifying what is considered insignificant.
  - 19. May work to promote access to financial education tools that can help all North Dakotans make wiser choices in all areas of personal financial management.

**54-11-01.1. Bicentennial trust fund - Created - Expenditures.**

The centennial commission shall transfer ten thousand dollars from its special revolving fund to the state treasurer to be placed in a bicentennial trust fund. The principal and interest of this fund must remain intact until transferred to the bicentennial commission on or after January 1, 2089. If no bicentennial commission is in existence on January 1, 2089, the money in the bicentennial trust fund must be transferred to the governor. Upon transfer to the bicentennial commission or the governor, as the case may be, the moneys in the fund may be expended to commemorate and celebrate the bicentennial of the state.

**54-11-02. Monthly warrants turned over to office of management and budget.**

Repealed by S.L. 1965, ch. 181, § 33.

**54-11-03. Warrants - Redemption - Duty of treasurer.**

Repealed by S.L. 2003, ch. 467, § 4.

**54-11-04. Records of state treasurer.**

The state treasurer shall keep the following records:

- 1. A record of all moneys received or paid out, showing from whom received or to whom paid and on what account or fund.
- 2. A record that must keep an account with each fund.
- 3. A daily balance record that must show the amount in state depositories and the amount in cash on hand.
- 4. Records must be created and published via electronic devices and must be in compliance with state audit guidelines.

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

**54-11-05. Books and blanks furnished by state to treasurer - Kept as state records.**

All checks and drafts, deposit slips, bankbooks, and other books and blanks used in the transactions of the state treasurer for state business must be furnished by the state and must be kept on record by the treasurer. They must be disposed of in accordance with the procedures established pursuant to chapter 54-46.

**54-11-06. Irregularities in books of treasurer - Auditor to report to governor - Temporary suspension of treasurer.**

If the state auditor upon examination finds that the books of the state treasurer do not correspond with the amount of funds on hand, or do not show the actual condition of the funds, or if it appears to the state auditor that any moneys belonging to the state have been embezzled, diverted, or in any manner taken from the treasury without authority of law, or that the state treasurer has been guilty of negligence in keeping books or taking care of the public

moneys, the auditor shall certify the fact to the governor. Upon the receipt of such certificate, the governor forthwith shall take possession of all books, moneys, papers, and other property belonging to the state, which have come into the possession of the state treasurer by virtue of that office, or otherwise, and shall temporarily suspend the state treasurer from that office.

**54-11-07. Suspension of treasurer by governor - Appointment.**

When a certificate is made to the governor by the state auditor under section 54-11-06, the governor, with the state auditor and the commissioner of financial institutions, shall examine the books, papers, and all matters connected with the office of the state treasurer so suspended. If it appears to the governor, state auditor, and commissioner of financial institutions on examination that the state treasurer has embezzled or converted to the treasurer's own use the public moneys, or has been negligent in keeping the books, or in taking care of public moneys, the governor on the certificate of the state auditor and the commissioner of financial institutions to that effect may remove the state treasurer and appoint another person to fill the place of the suspended state treasurer. The person so appointed shall enter upon the office of state treasurer as provided by law. The governor shall report the removal of the state treasurer to the next succeeding legislative assembly. The state treasurer so appointed shall hold office until the suspended state treasurer is reinstated or a successor is elected and qualified.

**54-11-08. State bonds - Registration.**

Repealed by S.L. 2009, ch. 467, § 1.

**54-11-09. Registration of bonds vests ownership.**

Repealed by S.L. 2009, ch. 468, § 1.

**54-11-10. Treasurer accountable for delinquencies.**

If in any instance the state treasurer neglects to call to account any delinquent, whereby the public revenue may suffer a loss, the state treasurer must be held and deemed accountable for the sums due by such delinquent to all intents and purposes the same as if the funds actually had been paid into the state treasurer's office.

**54-11-11. Purchase of warrants or accounts by state treasurer prohibited.**

The state treasurer in no case may purchase or receive any warrants redeemable at the state treasury or any audited account at a value less than is expressed therein.

**54-11-12. Unlawful purchases by state treasurer - Penalty.**

Every person who while treasurer of this state, or the deputy or clerk of such treasurer, directly or indirectly, buys or traffics in, or becomes a party to the purchase of, any state warrant, order, or scrip, or any bill, account, claim, or evidence of indebtedness against the state, for any sum less than the full face value thereof, is guilty of an infraction.

**54-11-13. Salary of state treasurer.**

The annual salary of the state treasurer is one hundred seven thousand eight hundred eighty-five dollars through June 30, 2020, and one hundred ten thousand five hundred eighty-two dollars thereafter.

**54-11-14. Official bond of state treasurer.**

Repealed by S.L. 1999, ch. 113, § 24.

**54-11-15. Appointment of agents.**

The treasurer may appoint agents for the purpose of receiving public funds as required by section 12 of article X of the Constitution of North Dakota. If appointed by the state treasurer, the Bank of North Dakota shall serve as an agent of the state treasurer for the purpose of receiving public funds, including funds that must be deposited in higher education institution special revenue funds.

**54-11-16. Criminal history record checks.**

The state treasurer shall require any applicant, employee, or independent contractor who has access to federal tax information to submit to a statewide and nationwide criminal history record check, and subsequent recheck within ten years from the date of the previous criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24.