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S.F. No. 1019 – Provisions governing Office of the Legislative Auditor activities modification

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Section 1 [Staff; compensation; section 3.971, subd. 2] precludes an employee of the legislative auditor from being a candidate for an elected public officer. Specifies that the legislative auditor serves in the unclassified civil service. Updates the job title for administrative support specialist and removes references to the fiscal oversight officer.

Section 2 [Special review; section 3.971, subd. 8a] authorizes the legislative auditor to conduct a special review to: (1) fulfill a legal requirement; (2) investigate allegations that someone subject to OLA audit may not have complied with certain legal requirements; (3) respond to a legislative request for a review of an organization or program subject to audit by the legislative auditor; or (4) investigate allegations that an employee has not complied with the code of ethics for employees in the executive branch or has committed a violation of certain other statutes governing the conduct of executive branch employees.

Section 3 [Audits of state and semistate agencies; section 3.972, subd. 2] modifies requirements for the legislative auditor to conduct audits of financial activities. Makes the requirement subject to availability of resources. Clarifies the entities for which the legislative auditor must conduct financial audits: (1) the departments, offices and other organizations in the executive branch; (2) courts, offices and other organizations in the judicial branch; and (3) public boards, associations, societies and other public organizations created by state law or supported, wholly or in part, by state funds. Eliminates requirement that the legislative auditor visit each state department or agency without previous notice once a year to take certain investigatory actions. Makes other technical and clarifying changes.

Section 4 [Audits of Department of Human Services; section 3.972, subd. 2a] modifies a requirement that the legislative auditor perform certain audits of the department of human services, so that the audits are only required when resources of the OLA permit. Reworks the description of the audit work the legislative auditor is to perform. Under current law, the OLA is required to determine whether

the department offered programs, services, and benefits only to eligible organizations and complied with applicable legal requirements. This is replaced with a duty to track and assess expenditures throughout the human service delivery system, from the department to the point of service delivery, as well as determining whether the human services programs, services and benefits are being provided cost-effectively and only to eligible people and organizations in compliance with applicable laws. Eliminates a requirement that the auditor conduct an assessment of risk by evaluating a sample three times a year of people enrolled in a Medical assistance program or MinnesotaCare and determining the eligibility of people in the sample, and that the auditor report the results to the legislature. Eliminates a requirement for the legislative auditor to monitor corrective actions and report to the legislature.

Section 5 [State Data security; account; appropriation] appropriates money in the data security account in the special revenue fund to the legislative auditor. Eliminates responsibilities of the legislative auditor to audit reports and subscribers to bulk data from drivers and vehicle services records.

Section 6 [Inquiry and inspection power; duty to aid legislative auditor] allows the legislative auditor access to records and property for inspection on request. Under current law this is allowed as the auditor “may need.” Replaces “aid” with “cooperate with” for a requirement on parties subject to the auditor’s examination. Eliminates a qualifier that the cooperation be required with the auditor “in the performance of duties.”

Section 7 [Audit data] modifies the definition of audit as relates to data practices requirements to more clearly identify the types of audits conducted by the legislative auditor. Clarifies the data that is private when it contains identifying information.

Section 8 [Salary and benefits survey] amends the schedule for the law enforcement salary and benefits survey conducted by the legislative auditor. The auditor must complete the survey by January 1, 2024, 2027, and 2030.

Section 9 [Repealer; 3.972, subd. 2c and 2d] eliminates express requirements to audit the programs and services of the departments of transportation and public safety.