

Part 4
Penalties for Noncompliance

51-2a-401 Withholding allocated state funds from an entity that does not comply with the accounting report requirements.

- (1) The state auditor shall withhold allocated state funds sufficient to pay the cost of the accounting report from any political subdivision, interlocal organization, or other local entity that does not comply with the accounting report requirements of Section 51-2a-201.
- (2)
 - (a) If no allocated state funds are available for withholding, the local entity shall reimburse the state auditor for any cost incurred in completing the accounting reports required under Section 51-2a-402.
 - (b) The state auditor shall release the withheld funds when the accounting report requirements are met either voluntarily or by action under Section 51-2a-402.

Enacted by Chapter 206, 2004 General Session

51-2a-402 Accounting reports of entity not complying with the report requirements.

- (1) The state auditor shall make, or shall cause an accounting report to be made, of any entity that does not comply with the accounting report requirements as provided in Title 51, Chapter 2a, Part 2, Accounting Reports.
- (2) The state auditor shall contract with a licensed certified public accountant to complete the accounting report.

Enacted by Chapter 206, 2004 General Session

51-2a-403 General Fund reimbursed for accounting report of nonappropriated activities -- Amount of reimbursement.

- (1) The General Fund shall be reimbursed by the entity for which an audit, review, or compilation are in whole or in part performed, whenever the state auditor or legislative auditor general is required by law or constitutional provision to perform that audit, review, or compilation or cause that audit, review, or compilation to be made for any office, department, division, board, agency, commission, council, authority, institution, hospital, school, college, university, or other instrumentality of the state or any of its political subdivisions for nonappropriated activities including associated students' accounts, auxiliary enterprise funds, nonprofit corporations, contracts with the federal government, federal grants-in-aid, and federal assistance programs.
- (2)
 - (a) The reimbursement amount shall be a pro rata share of that auditor's total cost, based upon a time-spent factor.
 - (b) An audit includes an audit of state-appropriated funds.
 - (i) If state-appropriated funds are not involved in the accounting report, the reimbursement may not be less than the average hourly cost of the operations of that auditor's office nor more than the average rate attainable from certified public accounting firms performing similar services for this state.
 - (ii) Reimbursement charges may be negotiated with that auditor's office within these limitations.

Enacted by Chapter 206, 2004 General Session

