

1 HB536  
2 150628-1  
3 By Representative Scott  
4 RFD: County and Municipal Government  
5 First Read: 02-APR-13

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, the mayor of a  
9 municipality is required annually to appoint an  
10 independent public accountant or the Department of  
11 Examiners of Public Accounts to conduct an audit of  
12 the municipality and to make a full report of the  
13 audit in writing, under oath, to be submitted to  
14 the council.

15 This bill would require the governing body  
16 of a municipality to provide online access to its  
17 audit report and to submit the report to the  
18 Department of Examiners of Public Accounts.

19 This bill would authorize a circuit judge of  
20 the judicial circuit in which a municipality is  
21 located to compel the mayor of the municipality to  
22 conduct an audit or to compel the governing body of  
23 the municipality to submit the audit report to the  
24 Department of Examiners of Public Accounts within a  
25 time period prescribed by the circuit judge.

26 Under existing law, the Department of  
27 Examiners of Public Accounts is required to examine

1 and audit the books, accounts, and records of all  
2 state and county offices, officers, bureaus,  
3 boards, commissions, corporations, departments, and  
4 agencies.

5 This bill would require the Department of  
6 Examiners of Public Accounts to provide online  
7 access to the audit report of a county and of a  
8 municipality that does not have a website and keep  
9 a database of county and municipal audit records to  
10 ensure that each county and municipality complies  
11 with this act.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
16

17 Relating to audits of counties and municipalities;  
18 to amend Section 11-43-85, Code of Alabama 1975, relating to  
19 municipal audits; to require the governing body of a  
20 municipality to provide online access to its audit report and  
21 to submit the report to the Department of Examiners of Public  
22 Accounts; to authorize a circuit judge of the judicial circuit  
23 in which a municipality is located to compel the mayor of the  
24 municipality to conduct an audit or to compel the governing  
25 body of the municipality to submit the audit report to the  
26 Department of Examiners of Public Accounts; and to require the  
27 Department of Examiners of Public Accounts to provide online

1 access to the audit report of a county and of a municipality  
2 that does not have a website and keep a database of county and  
3 municipal audit reports.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 11-43-85, Code of Alabama 1975,  
6 is amended to read as follows:

7 "§11-43-85.

8 "(a) In cities and towns, the mayor, at least once a  
9 year, shall appoint an independent public accountant or the  
10 Department of Examiners of Public Accounts to conduct an  
11 examination in accordance with generally accepted auditing  
12 standards of all books and accounts of the city or town since  
13 the preceding examination and to make a full report thereof in  
14 writing, under oath, to be submitted to the council at its  
15 first meeting after the completion of such report, and the  
16 same shall be spread upon the minutes of the council. For his  
17 or her services said independent public accountant or the  
18 Department of Examiners of Public Accounts shall be paid such  
19 sum as may be agreed upon.

20 "(b) The governing body of a municipality shall  
21 provide online access via the municipality's website to its  
22 annual audit report and submit the report to the Department of  
23 Examiners of Public Accounts. If a municipality does not have  
24 a website, the Department of Examiners of Public Accounts  
25 shall publish the audit report of the municipality on the  
26 website of the department.

1                   "(c) If a municipality fails to conduct an audit or  
2 fails to publish or submit an audit report as required under  
3 this section, a circuit judge of the judicial circuit in which  
4 the municipality is located may compel the mayor of the  
5 municipality to conduct an audit or compel the governing body  
6 of the municipality to submit the audit report to the  
7 Department of Examiners of Public Accounts within a time  
8 period prescribed by the circuit judge."

9                   Section 2. Based upon an audit of a county conducted  
10 pursuant to Section 41-5-6, Code of Alabama 1975, the  
11 Department of Examiners of Public Accounts shall provide  
12 online access via its website to the audit report of each  
13 county. The Department of Examiners of Public Accounts shall  
14 keep a database of county and municipal audit records to  
15 ensure that each county and municipality complies with this  
16 act.

17                   Section 3. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.