

2021 SPECIAL SESSION I

HOUSE SUBSTITUTE

21103285D

HOUSE BILL NO. 1789

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Finance
on February 1, 2021)

(Patron Prior to Substitute—Delegate McNamara)

A BILL to amend and reenact § 30-140 of the Code of Virginia, relating to Auditor of Public Accounts; audits of certain political subdivisions.

Be it enacted by the General Assembly of Virginia:

1. That § 30-140 of the Code of Virginia is amended and reenacted as follows:

§ 30-140. Certain political subdivisions to file report of audit; period in which report kept as public record; when audit not required; sworn statement of exempted entities; publication of summary of financial condition; repeal of conflicting provisions.

A. Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote shall annually, within ~~three~~ five months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection B.

Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote and which is reported in the Commonwealth's Comprehensive Annual Financial Report as determined by the State Comptroller and the Auditor of Public Accounts shall annually, within three months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection B.

The Auditor of Public Accounts shall receive such reports *required by this subsection* and keep the same as public records for a period of ~~ten~~ 10 years from their receipt.

B. No audit, however, shall be required for any fiscal year during which such entity's financial transactions did not exceed the sum of \$25,000.

As used in this section, "financial transactions" shall not include financial transactions involving notes, bonds, or other evidences of indebtedness of such entity the proceeds of which are held or advanced by a corporate trustee or other financial institution and not received or disbursed directly by such entity.

In the event an audit is not required, the entity shall file a statement under oath certifying that the transactions did not exceed such sum and, as to all transactions involving notes, bonds, or other evidences of indebtedness ~~which~~ *that* are exempted, the statement shall be accompanied by an affidavit from the trustee or financial institution certifying that it has performed the duties required under the agreement governing such transactions. Notwithstanding the foregoing, the Auditor of Public Accounts may require an audit if he deems it to be necessary to determine the propriety of the entity's financial transactions.

In the case of a water and sewer authority required by a governing body to have an audit conducted as specified in § 15.2-5145, the authority shall file the certified audit with the Auditor of Public Accounts.

At the time the report required by this section is filed with the Auditor of Public Accounts every such authority, commission, district, or other political subdivision, except those exempted from the audit report requirement, shall publish, in a newspaper of general circulation in the county, city, or town wherein the authority, commission, district, or other political subdivision is located, a summary statement reflecting the financial condition of the authority, commission, district, or other political subdivision, which shall include a reference to where the detailed statement may be found.

Any provision of law, general or special, which by its terms requires an audit that is not required by this section shall be repealed to the extent of any conflict.

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