

1 HB131
2 189267-3
3 By Representative Pringle
4 RFD: Fiscal Responsibility
5 First Read: 09-JAN-18

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Chapter 5A is added to Title 41, Code of
3 Alabama 1975, to read as follows:

4 Chapter 5A. Examiners of Public Accounts.

5 §41-5A-1.

6 (a) There is created the Department of Examiners of
7 Public Accounts, composed of any divisions the chief examiner
8 determines to be necessary.

9 (b) The office of the department shall be located in
10 Montgomery, Alabama, but the department may conduct
11 examinations and audits and establish offices throughout the
12 state.

13 §41-5A-2.

14 (a) The affairs of the department shall be
15 administered by the Chief Examiner of Public Accounts, whose
16 actions shall be supervised and controlled by the Legislative
17 Committee on Public Accounts. The chief examiner shall be
18 selected and appointed by the Legislative Committee on Public
19 Accounts to serve for a term of five years and until a
20 qualified successor is appointed.

21 (b) (1) A vacancy in the office of chief examiner
22 arising from any cause shall be filled by the Legislative
23 Committee on Public Accounts. The person so appointed may
24 serve through the next regular or special session of the
25 Legislature until confirmed as provided in subdivision (2).

26 (2) The appointment of the chief examiner shall be
27 subject to confirmation by the Senate at the first regular or

1 special session of the Legislature held after the appointment;
2 provided, however, that this subsection does not affect the
3 right or authority of the chief examiner to act pending
4 confirmation or rejection.

5 (c) The chief examiner may be removed from office by
6 joint resolution of the Legislature for cause provided in
7 writing and supported by sufficient, competent evidence
8 referred by the Legislative Committee on Public Accounts.

9 §41-5A-3.

10 (a) The chief examiner shall be selected with
11 consideration of his or her training, experience, capacity,
12 and fitness for the duties as executive and administrative
13 head of the Department of Examiners of Public Accounts.

14 (b) (1) The chief examiner may not have been a
15 partisan candidate for political office within four years
16 preceding his or her appointment.

17 (2) The chief examiner is not eligible for
18 appointment or election to any state, county, or municipal
19 office, nor shall he or she be a member of a committee of any
20 political party during the term for which he or she is
21 appointed. Violation of this subsection shall automatically
22 result in removal from the office of chief examiner.

23 §41-5A-4.

24 The chief examiner, before entering upon the duties
25 of his or her office, shall take the oath prescribed by
26 Section 279 of the Constitution of Alabama of 1901, and shall
27 give bond for the faithful performance of his or her duties in

1 the amount of one hundred thousand dollars (\$100,000). The
2 oath and the bond, which must be approved by the Legislative
3 Committee on Public Accounts and paid for from funds available
4 to the Department of Examiners of Public Accounts, shall be
5 filed with the Secretary of State. The chief examiner shall be
6 a commissioned officer of the state.

7 §41-5A-5.

8 (a) The chief examiner shall be the executive and
9 administrative head of the department and shall have the power
10 and duty to do all of the following subject to review and
11 oversight by the Legislative Committee on Public Accounts:

12 (1) Exercise general supervision of and make
13 regulations for the governance of the department.

14 (2) Prescribe uniform rules pertaining to
15 investigations, examinations, audits, and departmental
16 hearings.

17 (3) Supervise the fiscal affairs and
18 responsibilities of the department.

19 (4) Appoint and remove the staff, officers, and
20 employees of the department, subject to the Merit System Act
21 and the rules issued pursuant thereto.

22 (5) Keep an accurate and complete record of all
23 proceedings of the department, record and file all bonds,
24 reports, and other documents and assume responsibility for the
25 custody and preservation of all papers and documents of the
26 department.

1 (6) Make recommendations and an annual report to the
2 Governor and to the Legislative Committee on Public Accounts
3 concerning the condition, operation, functioning, and findings
4 of the department.

5 (7) Invoke any legal, equitable, or special remedy
6 for the enforcement of orders or this chapter.

7 (8) Notwithstanding any other law to the contrary,
8 exercise any other power necessary to expedite the making of
9 thorough and accurate audits of the accounts of all
10 individuals or entities receiving or disbursing public funds.

11 (9) Examine and audit the books, accounts, and
12 records of all state and county offices, officers, bureaus,
13 authorities, boards, commissions, corporations, departments,
14 and agencies.

15 (10) a. Prepare, in consultation with the
16 Association of County Commissions of Alabama, except with
17 respect to county boards of education, such bookkeeping,
18 accounting, and reporting systems, procedures, records, and
19 forms as may be necessary to install a uniform system of
20 accounting and ~~reporting in the various state and county~~
21 ~~offices.~~ reporting in the various county offices. This
22 paragraph does not authorize the Department of Examiners of
23 Public Accounts to prescribe specific accounting software to
24 be utilized in various county offices.

25 b. Prepare such bookkeeping, accounting, and
26 reporting systems, procedures, records, and forms as may be

1 necessary to install a uniform system of accounting and
2 reporting in the various state offices.

3 (11) Report to the Legislative Committee on Public
4 Accounts, the Governor, and the Contract Review Permanent
5 Legislative Oversight Committee every expenditure or contract
6 found to have been made in violation of law.

7 (12) Prepare, for use by the county boards of
8 education, bookkeeping, accounting, and reporting systems,
9 procedures, records, and forms necessary to the installation
10 of a uniform system of accounting and reporting by the several
11 county boards of education, install the bookkeeping,
12 accounting, and reporting systems for the county boards of
13 education, and exercise and maintain continuing supervision
14 thereof.

15 (13) Prepare and furnish to the chairs of the county
16 commissions of the several counties of the state a fiscal
17 statement of each county, as of the end of each fiscal year,
18 the statement showing receipts, disbursements, outstanding
19 indebtedness, and securities owned of and by each of the
20 several counties.

21 (b) All powers and duties vested in the chief
22 examiner may be delegated to his or her appointed assistants,
23 staff, deputies, and employees, but the chief examiner shall
24 be responsible for their actions.

25 §41-5A-6.

26 (a) For the purposes of this section, the following
27 words have the following meanings:

1 (1) CHIEF EXAMINER. The Chief Examiner of Public
2 Accounts.

3 (2) OVERPAYMENT. Any payment in excess of amounts
4 due and includes failure to meet eligibility requirements,
5 failure to identify third party liability where applicable,
6 any payment for an ineligible good or service, any payment for
7 a good or service not received, duplicate payments, invoice
8 and pricing errors, failure to apply discounts, rebates, or
9 other allowances, failure to comply with contracts or
10 purchasing agreements, or both, failure to provide adequate
11 documentation or necessary signatures, or both, on documents,
12 or any other inadvertent error resulting in overpayment.

13 (3) RECOVERY AUDIT. A financial management technique
14 used to identify overpayments made by a state agency with
15 respect to individuals, vendors, service providers, and other
16 entities in connection with a payment activity.

17 (4) RECOVERY AUDITOR. A private contractor with
18 recovery audit expertise.

19 (5) STATE AGENCY. A department, office, board,
20 authority, commission, bureau, division, institution, state
21 institution of higher education of this state, or any other
22 state entity that makes payments of state funds.

23 (b) The chief examiner may contract with recovery
24 auditors to conduct and perform recovery audits of payments
25 made by state agencies to individuals, vendors, service
26 providers, and other entities. Any audit conducted pursuant to
27 this subsection of any payment made by a state agency to an

1 electric utility regulated by the Public Service Commission is
2 limited to the three-year period following the date of the
3 payment to be audited. Overpayments between one state agency
4 and another state agency are not subject to recovery under
5 this section. Any contract shall be entered into in accordance
6 with the purchasing provisions of the state. The contracts may
7 provide for reasonable compensation for services provided
8 under the contract, including compensation determined by the
9 application of a specified percentage of the total amount
10 recovered because of the recovery auditor's audit activities.
11 In no event shall the compensation to a recovery auditor
12 exceed 15 percent of the amount recovered because of the
13 recovery auditor's audit activities. A recovery audit of a
14 payment may not be made within 90 days of the date of the
15 payment. No payment shall be due a recovery auditor from any
16 payment identified as an overpayment until the overpayment has
17 been recovered and credited to the special fund established in
18 this section.

19 (c) (1) A state agency whose payments are being
20 audited under a recovery contract pursuant to this section
21 shall provide a recovery auditor with any payment-related
22 information as determined by the chief examiner, including any
23 confidential information that is necessary for the performance
24 of the audit or the recovery audit of an overpayment, to the
25 extent the agency is not prohibited from sharing the
26 information under an agreement with another state or the
27 federal government.

1 (2) A recovery audit shall be complementary to any
2 other financial management process and shall not supplant any
3 existing or future state audit or program integrity activity
4 by a state agency.

5 (3) A recovery auditor acting under a contract
6 authorized by this section, and each employee or agent of the
7 recovery auditor, is subject to all prohibitions against the
8 disclosure of confidential information obtained from the state
9 in connection with the contract that applies to any official
10 or employee of the applicable state agency. A recovery auditor
11 acting under a contract authorized by this section or an
12 employee or agent of the recovery auditor who discloses
13 confidential information in violation of a prohibition made
14 applicable to the recovery auditor under this section is
15 subject to prosecution by the Attorney General in any court
16 within this state.

17 (d) Recovery audits shall be performed on payments
18 to individuals, vendors, service providers, and other entities
19 made by each state agency as determined by the chief examiner.
20 Notwithstanding the foregoing, the recovery audits provided
21 for in this section shall not be performed on any entity,
22 vendor, or service provider that is subject to audits under
23 the federally mandated Recovery Audit Contractor Program
24 adopted by the Alabama Medicaid Agency under Section 1902(a)
25 (42) of the Social Security Act, as amended.

26 (e) (1) A special fund is established within the
27 State Treasury for the deposit of all funds generated from

1 recovery audits conducted pursuant to this section after
2 payment to the Department of Examiners of Public Accounts for
3 actual costs of time and effort devoted to the recovery audit
4 as determined by the chief examiner and of any percentages due
5 under the contract to perform the audit. Amounts due a federal
6 agency by a state agency as a result of a recovery audit shall
7 be disbursed from the fund after certification by the agency
8 of the amount due and verification of the amount by the chief
9 examiner. Any amounts recovered that were appropriated for
10 funds constitutionally earmarked shall be appropriated in
11 accordance with law. Any amounts remaining in the fund shall
12 be subject to expenditure for any lawful purpose through
13 appropriation by the Legislature.

14 (2) A state agency shall compute the amount of
15 federal money due to be returned to the federal government
16 from any federal money that is recovered through a recovery
17 audit conducted under this section. The state agency shall
18 compute the amount due in accordance with the rules of the
19 federal program through which the agency received the federal
20 money.

21 (f) Recovery audit reports shall be public records
22 and released by the Department of Examiners of Public Accounts
23 in accordance with normal report release procedures. Copies
24 shall be available in electronic form on the department's
25 website.

26 (g) If the entity audited by the recovery auditor
27 disagrees with the results or report of the recovery audit,

1 the entity ~~may request~~ and the State may agree to arbitration
2 of the dispute pursuant to Division 1 of Article 1 of Chapter
3 6 of Title 6. The compensation of the arbitrators and the cost
4 of the arbitration shall be paid by the entity audited and the
5 recovery auditor in amounts that are in proportion to the
6 ruling of the arbitrators regarding the correctness of the
7 recovery auditor's report on an overpayment. This provision
8 does not limit or restrict the powers of the Department of
9 Public Accounts or the Attorney General to recover any
10 overpayment.

11 §41-5A-7.

12 (a) The Chief Examiner of Public Accounts, with the
13 approval of the Legislative Committee on Public Accounts, may
14 appoint an assistant chief examiner, who shall exercise any
15 and all authority and perform any and all duties as the chief
16 examiner may prescribe.

17 (b) (1) Subject to the requirement in subdivision
18 (2), the assistant chief examiner shall be selected with
19 consideration of his or her training, experience, capacity,
20 and fitness for the duties as assistant chief examiner.

21 (2) If the chief examiner is not a certified public
22 accountant licensed in this state, the assistant chief
23 examiner shall be a certified public accountant licensed in
24 this state.

25 (3) The assistant chief examiner shall be in the
26 unclassified service.

27 §41-5A-8.

1 (a) The salary of the Chief Examiner of Public
2 Accounts shall be set by the Legislative Council.

3 (b) The salary of the assistant chief examiner shall
4 be fixed by the chief examiner, with approval of the
5 Legislative Committee on Public Accounts. The salary of the
6 assistant chief examiner shall not be subject to Section
7 36-6-6.

8 (c) The compensation for the chief examiner and the
9 assistant chief examiner shall be paid out of funds
10 appropriated to the Department of Examiners of Public Accounts
11 and in the same manner as salaries of other officers and
12 employees are paid.

13 §41-5A-9.

14 (a) (1) The employees of the department shall be
15 members of the classified service of the Merit System unless
16 otherwise specified by law.

17 (2) An employee's failure to maintain technical or
18 professional qualifications shall be good cause for severance.

19 (b) The chief examiner shall appoint assistants,
20 deputies, and employees as may be necessary for the sufficient
21 operation of the department. Assistants and deputy examiners
22 shall be required to give bond for the faithful performance of
23 their duties in the penal sum of fifty thousand dollars
24 (\$50,000).

25 (c) The chief examiner may appoint three
26 unclassified division or unit heads. The salaries of the

1 division or unit heads shall be set by the chief examiner and
2 shall not be subject to Section 36-6-6, Code of Alabama 1975.

3 §41-5A-10.

4 (a) The Attorney General and the district attorneys
5 of the several circuits shall render to the chief examiner,
6 without additional compensation, legal services as he or she
7 may request.

8 (b) Whenever the legality of any payment or shortage
9 is involved in an examination, the chief examiner shall submit
10 the facts in writing to the Attorney General and request his
11 or her opinion as to the applicable law. The Attorney General
12 shall immediately provide a copy of each opinion affecting any
13 state or county officer in the collection or disbursement of
14 public funds to the officer affected, to the chief examiner,
15 and to the Governor.

16 §41-5A-11.

17 (a) The Chief Examiner of Public Accounts shall
18 appoint a Chief Legal Counsel for the Department of Examiners
19 of Public Accounts pursuant to Section 36-15-5.1(b), Code of
20 Alabama 1975.

21 (b) The chief legal counsel shall be of good
22 character and qualified by training and experience to perform
23 the duties of his or her office.

24 (c) The chief examiner may appoint two assistant
25 legal counsels for the department and may appoint additional
26 assistant legal counsels, as approved by the Legislative
27 Committee on Public Accounts. The assistant legal counsels for

1 the department shall be commissioned as assistant attorneys
2 general, but shall devote their entire time to the affairs of
3 the department.

4 §41-5A-12.

5 (a) (1) The books, records, vouchers, and accounts of
6 every state and county office, officer, bureau, board,
7 commission, corporation, institution, department, and agency
8 shall be examined and audited at least once every two years
9 and more frequently if deemed necessary by the chief examiner.

10 (2) The books, records, vouchers, and accounts of
11 any state and county office, officer, bureau, board,
12 commission, corporation, institution, department, and agency
13 shall be examined and audited upon a request by the
14 Legislative Committee on Public Accounts. Notwithstanding any
15 other law to the contrary, the books, records, vouchers, and
16 accounts of municipal boards of education or any state entity
17 holding assets within or outside this state or within or
18 outside the State Treasury may be examined and audited upon
19 ~~request of the committee. The committee may convene in~~
20 ~~executive session to determine, by a majority vote, if an~~
21 ~~examination and audit are necessary. Any documents or other~~
22 ~~information relating to a request by the committee for an~~
23 ~~examination and audit under this subdivision shall be~~
24 ~~confidential and privileged and may not be disclosed or made~~
25 ~~available for public inspection. request of the committee.~~

26 (b) Examinations and audits required under this
27 chapter shall be made at the expense of the state.

1 (c) A person who knowingly makes any materially
2 false, fictitious, or fraudulent statement or representation
3 in any audit or in providing any information under this
4 chapter shall be guilty of a Class C felony.

5 (d) A state or county office, officer, bureau,
6 board, commission, corporation, institution, or agency subject
7 to audit or examination under this section may not contract
8 for or arrange to have an independent financial audit unless
9 the firm to provide the auditing services is authorized and
10 approved by the chief examiner. Any audit or examination that
11 is authorized by the chief examiner is subject to review by
12 the chief examiner prior to finalization of the audit and
13 public release.

14 §41-5A-13.

15 The chief examiner shall compile and make available
16 for distribution both of the following:

17 (1) The rules of the department.

18 (2) Other materials as the chief examiner deems
19 relevant and suitable for the effective administration of this
20 chapter.

21 §41-5A-14.

22 (a) The chief examiner may issue subpoenas to compel
23 the attendance of witnesses and production of papers necessary
24 as evidence in connection with a dispute, claim, examination,
25 audit, or the administration of this chapter.

26 (b) In case a person refuses to comply with a
27 subpoena, the chief examiner may invoke the aid of any circuit

1 court with jurisdiction in order that the testimony or
2 evidence be produced. Upon proper showing, the court shall
3 issue a subpoena or order requiring the person to appear
4 before the chief examiner or his or her representative and
5 produce all evidence and give all testimony relating to the
6 matter at issue.

7 (c) A person failing to comply with an order may be
8 punished by the court for contempt.

9 §41-5A-15.

10 The chief examiner, assistant chief examiner, chief
11 legal counsel, and deputy examiner may administer oaths, take
12 depositions, and certify official acts.

13 §41-5A-16.

14 (a) There shall be a Legislative Committee on Public
15 Accounts to exercise general supervision and control over the
16 actions of the chief examiner and the Department of Examiners
17 of Public Accounts.

18 (b) The Legislative Committee on Public Accounts
19 shall have 12 members. Five members shall be elected by the
20 House of Representatives from its membership and five members
21 shall be elected by the Senate from its membership. The
22 President Pro Tempore of the Senate shall be a member of the
23 committee and the chair of the committee. The Speaker of the
24 House of Representatives shall be a member of the committee
25 and the vice-chair of the committee. Beginning January 1,
26 2020, the President Pro Tempore of the Senate and the Speaker
27 of the House shall alternate service as chair and vice-chair

1 of the committee every two years. Members of the committee
2 shall be elected at the first regular session of each
3 quadrennium and shall hold office as long as they remain
4 legislators and until their successors are elected.

5 (c) Vacancies shall be filled by the remaining
6 members of the committee from members of the House of
7 Representatives or the Senate, depending upon in which
8 representation the vacancy occurs, until the next
9 organizational, regular, or special session of the
10 Legislature, at which time the vacancies shall be filled by
11 the appropriate house.

12 §41-5A-17.

13 (a) The Legislative Committee on Public Accounts
14 shall meet annually, and at other times as called by the chair
15 of the committee, at the capital, ~~at a time which it shall set~~
16 ~~by resolution~~ for the purpose of receiving the report and
17 recommendations of the chief examiner. The chief examiner
18 shall attend the meetings and give evidence, make reports, and
19 perform duties as the committee may direct.

20 (b) Annual meetings of the committee may not be held
21 for more than 10 days. Special meetings not exceeding 10 days
22 in total during any year may be called by the chair and must
23 be called by him or her within 10 days after receipt of a
24 written request by the chief examiner, a majority of the
25 committee, or the Governor.

26 (c) Members of the committee shall be entitled to
27 their legislative per diem and travel expenses for each day in

1 attendance at a meeting of the committee in accordance with
2 Amendment 871 of the Constitution of Alabama of 1901, now
3 appearing as Section 49.01 of the Official Recompilation of
4 the Constitution of Alabama of 1901, as amended.

5 §41-5A-18.

6 The Legislative Committee on Public Accounts shall
7 report its findings and recommendations concerning the work of
8 the Department of Examiners of Public Accounts to the Senate
9 and House of Representatives at each session of the
10 Legislature and to the Governor.

11 §41-5A-19.

12 The department shall make a sworn report of its
13 findings within a reasonable time after an audit is completed.
14 The chief examiner shall certify one copy of each report to
15 the circuit judge of the county in which the office examined
16 is located. The judge shall refer to the report in his or her
17 next oral charge to the grand jury. The report shall be
18 entered in full upon the minutes of the court. The reports
19 shall be public records and prima facie evidence of what they
20 charge. Working papers used in the preparation of the reports
21 shall be subject to and treated as being under Section
22 12-16-216, Code of Alabama 1975, and shall be subject to
23 review by a court of competent jurisdiction, and upon a
24 substantiated request, may be shared with local district
25 attorney, the Attorney General, and the Ethics Commission. One
26 copy of each report shall be certified to the Governor.

27 §41-5A-20.

1 (a) The chief examiner shall keep a docket in which
2 shall be entered, in favor of the state, county, or
3 municipality, as the case may be, cases against persons who
4 have not properly and lawfully accounted for all sums of money
5 coming into their hands as public officers, agents, or
6 employees. If an amount found to be due the state, county, or
7 other governmental unit or agency as a result of an
8 examination or audit is not settled upon demand by the
9 examiner, the chief examiner shall immediately issue notice to
10 the person in default and require him or her to appear on a
11 day certain and show cause why the amount due should not be
12 paid. If the defaulting officer fails to settle or to show
13 just cause why the amount due should not be collected, the
14 chief examiner shall certify such facts and the amount due the
15 state to the Attorney General, and the Attorney General shall
16 bring a civil action in the name of the state against the
17 officer and his or her bondsmen. If the amount due by the
18 officer is in favor of the county or municipality, then the
19 chief examiner shall certify to the district attorney of the
20 circuit the amount or amounts so due, and the district
21 attorney shall proceed to collect the amount by a civil action
22 against the officer and his or her bondsmen.

23 (b) (1) If an overpayment, as defined in Section
24 41-5A-6, is discovered and a warrant on the State Treasury has
25 been issued in excess of the amount due to a state employee,
26 the appointing authority at the employing agency, the
27 Comptroller, or the Personnel Director may compel the employee

1 to return the amount paid in error immediately following the
2 discovery of the error. The employee may return the amount due
3 in a lump sum or in a payment plan agreed to by the employee
4 and the entity seeking recovery of the overpayment.

5 (2) If an amount found to be due is not settled upon
6 demand by the entity seeking recovery of the overpayment, the
7 employee shall immediately be issued notice requiring him or
8 her to appear on a day certain and show just cause why the
9 amount due should not be collected. If the employee fails to
10 settle or show just cause why the amount due should not be
11 collected, the entity seeking recovery of the overpayment
12 shall certify the facts and the amount due to the chief
13 examiner and the Attorney General. The Attorney General may
14 bring a civil action in the name of the state against the
15 employee.

16 (3) The Attorney General must notify the entity
17 seeking recovery of the overpayment of his or her intent not
18 to pursue civil action within 60 days of receiving the
19 certified facts, and the appointing authority at the employing
20 agency, the Comptroller, or the Personnel Director may instead
21 bring a civil action in the name of the state against the
22 employee.

23 (4) Notwithstanding subdivisions (1) to (3),
24 inclusive, nothing in this section shall be construed to
25 infringe upon or circumvent any duties or powers of the
26 Department of Examiners of Public Accounts or the Attorney
27 General.

1 §41-5A-21.

2 Every state and county officer shall keep the books,
3 records, and accounts and make the reports of his or her
4 office in accordance with the systems, procedures, and forms
5 as may be prescribed by the chief examiner pursuant to this
6 chapter. Any officer who fails or willfully refuses to comply
7 with this section shall be liable for a penalty of up to two
8 hundred fifty dollars (\$250) for each week the failure or
9 refusal continues. Penalties imposed and collected under this
10 section shall be paid into the General Fund.

11 §41-5A-22.

12 All moneys or funds received or collected by the
13 Department of Examiners of Public Accounts in the form of
14 fees, receipts, or income as a result of services rendered in
15 connection with municipal audits shall be transferred by the
16 department into the State Treasury to the credit of the
17 General Fund. All moneys or funds received or collected by the
18 Department of Examiners of Public Accounts from the federal
19 government shall be deposited into a special fund in the State
20 Treasury, and these moneys and funds are hereby appropriated
21 or reappropriated as necessary for the sole use of the
22 Department of Examiners of Public Accounts.

23 Section 2. (a) Chapter 5 of Title 41, Code of
24 Alabama 1975, relating to the Department of Examiners of
25 Public Accounts, is repealed.

26 (b) Any reference in any law to the Department of
27 Examiners of Public Accounts under Chapter 5 of Title 41, Code

1 of Alabama 1975, shall be deemed a reference to the Department
2 of Examiners of Public Accounts created by Section 1.

3 (c) The Code Commissioner may conform references in
4 the Code of Alabama 1975, to reflect the changes made by this
5 act. Code changes, including the renumbering of references to
6 Chapter 5, Title 41, to reflect the appropriate code sections
7 in Chapter 5A, Title 41, as created by this act, shall be made
8 at a time determined to be appropriate by the Code
9 Commissioner.

10 Section 3. (a) The Department of the Examiners of
11 Public Accounts created by Section 1 succeeds to and is vested
12 with the powers, duties, and functions of the Department of
13 Examiners of Public Accounts created under Chapter 5 of Title
14 41, Code of Alabama 1975, which is repealed by Section 2.

15 (b) The officers and employees of the Department of
16 Examiners of Public Accounts created by Chapter 5 of Title 41,
17 Code of Alabama 1975, shall be officers and employees of the
18 Department of Examiners of Public Accounts created by Section
19 1 without interruption of service or loss of benefits.

20 (c) The property, funds, and records of the
21 Department of Examiners of Public Accounts created by Chapter
22 5 of Title 41, Code of Alabama 1975, are transferred to the
23 Department of Examiners of Public Accounts created by Section
24 1.

25 Section 4. The provisions of this act shall apply to
26 any chief examiner appointed or confirmed on or after the
27 effective date of this act.

1 Section 5. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official ReCompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 6. This act shall become effective
10 immediately, following its passage and approval by the
11 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Fiscal Responsi-
bility..... 09-JAN-18

Read for the second time and placed
on the calendar 1 amendment 11-JAN-18

Read for the third time and passed
as amended..... 18-JAN-18

Yeas 71, Nays 7, Abstains 15

Jeff Woodard
Clerk