

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

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8 SYNOPSIS: This bill would substantially revise the
9 provisions governing the operation of the
10 Department of Examiners of Public Accounts.

11 This bill would revise the qualifications of
12 the chief examiner of public accounts, revise the
13 procedures for removal of the chief examiner,
14 revise certain provisions relating to the salary of
15 the chief examiner and certain staff and employees,
16 revise the term of service, and require the chief
17 examiner to appoint a chief legal counsel.

18 This bill would also revise and clarify
19 certain duties of the department.

20 This bill would also revise the composition
21 of the Legislative Committee on Public Accounts.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

8 The purpose or effect of this bill would be
9 to require a new or increased expenditure of local
10 funds within the meaning of the amendment. However,
11 the bill does not require approval of a local
12 governmental entity or enactment by a 2/3 vote to
13 become effective because it comes within one of the
14 specified exceptions contained in the amendment.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 Relating to the Department of Examiners of Public
21 Accounts; to add Chapter 5A to Title 41, Code of Alabama 1975,
22 to substantially revise the provisions governing the operation
23 of the office; to revise the qualifications of the Chief
24 Examiner of Public Accounts; to revise the procedures for
25 removal of the chief examiner; to revise certain provisions
26 relating to the salary of the chief examiner and certain staff
27 and employees; to revise the term of service of the chief

1 examiner; to require the chief examiner to appoint chief legal
2 counsel; to revise and clarify certain duties of the
3 department; to provide penalties for false statements in
4 audits; to revise the composition of the Legislative Committee
5 on Public Accounts; to repeal Chapter 5, Title 41, Code of
6 Alabama 1975, the existing law governing the department; and
7 in connection therewith would have as its purpose or effect
8 the requirement of a new or increased expenditure of local
9 funds within the meaning of Amendment 621 of the Constitution
10 of Alabama of 1901, now appearing as Section 111.05 of the
11 Official Recompilation of the Constitution of Alabama of 1901,
12 as amended.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 Chapter 5A. Examiners of Public Accounts.

17 §41-5A-1.

18 (a) There is created the Department of Examiners of
19 Public Accounts, composed of any divisions the chief examiner
20 determines to be necessary.

21 (b) The office of the department shall be located in
22 Montgomery, Alabama, but the department may conduct
23 examinations and audits and establish offices throughout the
24 state.

25 §41-5A-2.

26 (a) The affairs of the department shall be
27 administered by the Chief Examiner of Public Accounts, whose

1 actions shall be supervised and controlled by the Legislative
2 Committee on Public Accounts. The chief examiner shall be
3 selected and appointed by the Legislative Committee on Public
4 Accounts to serve for a term of five years and until a
5 qualified successor is appointed.

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

11 (2) The appointment of the chief examiner shall be
12 subject to confirmation by the Senate at the first regular or
13 special session of the Legislature held after the appointment;
14 provided, however, that this subsection does not affect the
15 right or authority of the chief examiner to act pending
16 confirmation or rejection.

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

21 §41-5A-3.

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

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

4 (2) The chief examiner is not eligible for
5 appointment or election to any state, county, or municipal
6 office, nor shall he or she be a member of a committee of any
7 political party during the term for which he or she is
8 appointed. Violation of this subsection shall automatically
9 result in removal from the office of chief examiner.

10 §41-5A-4.

11 The chief examiner, before entering upon the duties
12 of his or her office, shall take the oath prescribed by
13 Section 279 of the Constitution of Alabama of 1901, and shall
14 give bond for the faithful performance of his or her duties in
15 the amount of one hundred thousand dollars (\$100,000). The
16 oath and the bond, which must be approved by the Legislative
17 Committee on Public Accounts and paid for from funds available
18 to the Department of Examiners of Public Accounts, shall be
19 filed with the Secretary of State. The chief examiner shall be
20 a commissioned officer of the state.

21 §41-5A-5.

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

26 (1) Exercise general supervision of and make
27 regulations for the governance of the department.

1 (2) Prescribe uniform rules pertaining to
2 investigations, examinations, audits, and departmental
3 hearings.

4 (3) Supervise the fiscal affairs and
5 responsibilities of the department.

6 (4) Appoint and remove the staff, officers, and
7 employees of the department, subject to the Merit System Act
8 and the rules issued pursuant thereto.

9 (5) Keep an accurate and complete record of all
10 proceedings of the department, record and file all bonds,
11 reports, and other documents and assume responsibility for the
12 custody and preservation of all papers and documents of the
13 department.

14 (6) Make recommendations and an annual report to the
15 Governor and to the Legislative Committee on Public Accounts
16 concerning the condition, operation, functioning, and findings
17 of the department.

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

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

24 (9) Examine and audit the books, accounts, and
25 records of all state and county offices, officers, bureaus,
26 authorities, boards, commissions, corporations, departments,
27 and agencies.

1 (10) Prepare, in consultation with the Association
2 of County Commissions of Alabama, except with respect to
3 county boards of education, such bookkeeping, accounting, and
4 reporting systems, procedures, records, and forms as may be
5 necessary to install a uniform system of accounting and
6 reporting in the various state and county offices.

7 (11) Report to the Legislative Committee on Public
8 Accounts, the Governor, and the Contract Review Permanent
9 Legislative Oversight Committee every expenditure or contract
10 found to have been made in violation of law.

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

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

25 (b) All powers and duties vested in the chief
26 examiner may be delegated to his or her appointed assistants,

1 staff, deputies, and employees, but the chief examiner shall
2 be responsible for their actions.

3 §41-5A-6.

4 (a) For the purposes of this section, the following
5 words have the following meanings:

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

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

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

22 (4) RECOVERY AUDITOR. A private contractor with
23 recovery audit expertise.

24 (5) STATE AGENCY. A department, office, board,
25 authority, commission, bureau, division, institution, state
26 institution of higher education of this state, or any other
27 state entity that makes payments of state funds.

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

24 (c) (1) A state agency whose payments are being
25 audited under a recovery contract pursuant to this section
26 shall provide a recovery auditor with any payment-related
27 information as determined by the chief examiner, including any

1 confidential information that is necessary for the performance
2 of the audit or the recovery audit of an overpayment, to the
3 extent the agency is not prohibited from sharing the
4 information under an agreement with another state or the
5 federal government.

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

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

22 (d) Recovery audits shall be performed on payments
23 to individuals, vendors, service providers, and other entities
24 made by each state agency as determined by the chief examiner.
25 Notwithstanding the foregoing, the recovery audits provided
26 for in this section shall not be performed on any entity,
27 vendor, or service provider that is subject to audits under

1 the federally mandated Recovery Audit Contractor Program
2 adopted by the Alabama Medicaid Agency under Section 1902(a)
3 (42) of the Social Security Act, as amended.

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

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

26 (f) Recovery audit reports shall be public records
27 and released by the Department of Examiners of Public Accounts

1 in accordance with normal report release procedures. Copies
2 shall be available in electronic form on the department's
3 website.

4 (g) If the entity audited by the recovery auditor
5 disagrees with the results or report of the recovery audit,
6 the entity may request arbitration of the dispute pursuant to
7 Division 1 of Article 1 of Chapter 6 of Title 6. The
8 compensation of the arbitrators and the cost of the
9 arbitration shall be paid by the entity audited and the
10 recovery auditor in amounts that are in proportion to the
11 ruling of the arbitrators regarding the correctness of the
12 recovery auditor's report on an overpayment.

13 §41-5A-7.

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

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

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

1 (3) The assistant chief examiner shall be in the
2 unclassified service.

3 §41-5A-8.

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

6 (b) The salary of the assistant chief examiner shall
7 be fixed by the chief examiner, with approval of the
8 Legislative Committee on Public Accounts. The salary of the
9 assistant chief examiner shall not be subject to Section
10 36-6-6.

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

16 §41-5A-9.

17 (a) (1) The employees of the department shall be
18 members of the classified service of the Merit System unless
19 otherwise specified by law.

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

22 (b) The chief examiner shall appoint assistants,
23 deputies, and employees as may be necessary for the sufficient
24 operation of the department. Assistants and deputy examiners
25 shall be required to give bond for the faithful performance of
26 their duties in the penal sum of fifty thousand dollars
27 (\$50,000).

1 (c) The chief examiner may appoint three
2 unclassified division or unit heads. The salaries of the
3 division or unit heads shall be set by the chief examiner and
4 shall not be subject to Section 36-6-6, Code of Alabama 1975.
5 §41-5A-10.

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

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

18 §41-5A-11.

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

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

26 (c) The chief examiner may appoint two assistant
27 legal counsels for the department and may appoint additional

1 assistant legal counsels, as approved by the Legislative
2 Committee on Public Accounts. The assistant legal counsels for
3 the department shall be commissioned as assistant attorneys
4 general, but shall devote their entire time to the affairs of
5 the department.

6 §41-5A-12.

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

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

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

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

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

16 §41-5A-13.

17 The chief examiner shall compile and make available
18 for distribution both of the following:

19 (1) The rules of the department.

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

23 §41-5A-14.

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

1 (b) In case a person refuses to comply with a
2 subpoena, the chief examiner may invoke the aid of any circuit
3 court with jurisdiction in order that the testimony or
4 evidence be produced. Upon proper showing, the court shall
5 issue a subpoena or order requiring the person to appear
6 before the chief examiner or his or her representative and
7 produce all evidence and give all testimony relating to the
8 matter at issue.

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

11 §41-5A-15.

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

15 §41-5A-16.

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

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

1 2020, the President Pro Tempore of the Senate and the Speaker
2 of the House shall alternate service as chair and vice-chair
3 of the committee every two years. Members of the committee
4 shall be elected at the first regular session of each
5 quadrennium and shall hold office as long as they remain
6 legislators and until their successors are elected.

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

14 §41-5A-17.

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

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

1 (c) Members of the committee shall be entitled to
2 their legislative per diem and travel expenses for each day in
3 attendance at a meeting of the committee in accordance with
4 Amendment 871 of the Constitution of Alabama of 1901, now
5 appearing as Section 49.01 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended.

7 §41-5A-18.

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

13 §41-5A-19.

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

1 attorney, the Attorney General, and the Ethics Commission. One
2 copy of each report shall be certified to the Governor.

3 §41-5A-20.

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

26 (b) (1) If an overpayment, as defined in Section
27 41-5A-6, is discovered and a warrant on the State Treasury has

1 been issued in excess of the amount due to a state employee,
2 the appointing authority at the employing agency, the
3 Comptroller, or the Personnel Director may compel the employee
4 to return the amount paid in error immediately following the
5 discovery of the error. The employee may return the amount due
6 in a lump sum or in a payment plan agreed to by the employee
7 and the entity seeking recovery of the overpayment.

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

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

26 (4) Notwithstanding subdivisions (1) to (3),
27 inclusive, nothing in this section shall be construed to

1 infringe upon or circumvent any duties or powers of the
2 Department of Examiners of Public Accounts or the Attorney
3 General.

4 §41-5A-21.

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

14 §41-5A-22.

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

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

4 (b) Any reference in any law to the Department of
5 Examiners of Public Accounts under Chapter 5 of Title 41, Code
6 of Alabama 1975, shall be deemed a reference to the Department
7 of Examiners of Public Accounts created by Section 1.

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

15 Section 3. (a) The Department of the Examiners of
16 Public Accounts created by Section 1 succeeds to and is vested
17 with the powers, duties, and functions of the Department of
18 Examiners of Public Accounts created under Chapter 5 of Title
19 41, Code of Alabama 1975, which is repealed by Section 2.

20 (b) The officers and employees of the Department of
21 Examiners of Public Accounts created by Chapter 5 of Title 41,
22 Code of Alabama 1975, shall be officers and employees of the
23 Department of Examiners of Public Accounts created by Section
24 1 without interruption of service or loss of benefits.

25 (c) The property, funds, and records of the
26 Department of Examiners of Public Accounts created by Chapter
27 5 of Title 41, Code of Alabama 1975, are transferred to the

1 Department of Examiners of Public Accounts created by Section
2 1.

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

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

14 Section 6. This act shall become effective
15 immediately, following its passage and approval by the
16 Governor, or its otherwise becoming law.