

1 HB548  
2 211370-1  
3 By Representative Pringle  
4 RFD: State Government  
5 First Read: 16-MAR-21

8 SYNOPSIS: Under existing law, the chief legal counsel  
9 and assistant legal counsels of the Department of  
10 Examiners of Public Accounts are deputy attorneys  
11 general who are appointed by and serve at the  
12 pleasure of the Attorney General.

13 This bill would provide for the chief legal  
14 counsel and assistant legal counsels of the  
15 department to be appointed and serve at the  
16 pleasure of the chief examiner, would authorize  
17 them to institute civil actions under the direction  
18 of the chief examiner and the Legislative Committee  
19 on Public Accounts, and would vest them with the  
20 same powers, privileges, and rights afforded a  
21 deputy attorney general.

23 A BILL  
24 TO BE ENTITLED  
25 AN ACT

1           To amend Section 41-5A-11, Code of Alabama 1975,  
2 relating to the chief legal counsel and assistant legal  
3 counsels of the Department of Examiners of Public Accounts; to  
4 remove the requirement that they be deputy attorneys general;  
5 to provide further for their employment, duties, and powers;  
6 and to provide further for the role of the chief examiner and  
7 the Legislative Committee on Public Accounts.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9           Section 1. Section 41-5A-11 of the Code of Alabama  
10 1975, is amended to read as follows:

11           "§41-5A-11.

12           "(a) The chief examiner shall appoint a chief legal  
13 counsel for the department ~~pursuant to subsection (b) of~~  
14 ~~Section 36-15-5.1~~ who shall serve at the pleasure of the chief  
15 examiner and perform those duties and exercise those powers as  
16 the chief examiner may direct. The chief legal counsel shall  
17 receive compensation in an amount determined by the chief  
18 examiner from funds available to the department.

19           "(b) The chief legal counsel shall be of good  
20 character and qualified by training and experience to perform  
21 the duties of his or her office. The chief legal counsel shall  
22 be a licensed attorney authorized to practice law in this  
23 state.

24           "(c) The chief examiner may appoint two assistant  
25 legal counsels for the department ~~pursuant to subsection (b)~~  
26 ~~of Section 36-15-5.1,~~ and may appoint additional assistant  
27 legal counsels, as approved by the Legislative Committee on

1 Public Accounts. The assistant legal counsels for the  
2 department shall ~~be commissioned as assistant attorneys~~  
3 ~~general, but shall devote their entire time to the affairs of~~  
4 ~~the department~~ serve and be compensated in the same manner as  
5 the chief legal counsel under subsection (a).

6 "(d) Under the direction of the chief examiner and  
7 in consultation with the Legislative Committee on Public  
8 Accounts, the chief legal counsel and any assistant legal  
9 counsels may institute any civil action or other proceeding as  
10 necessary for the chief examiner to perform his or her duties  
11 and protect the rights and interests of the department under  
12 this chapter. The chief legal counsel and assistant legal  
13 counsels, though under the sole direction of the chief  
14 examiner, shall be vested with the same powers, privileges,  
15 and rights afforded a deputy attorney general."

16 Section 2. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.