

# OFFICE OF THE ATTORNEY GENERAL



52  
80-00076

CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA  
NOV 15 1979

LEE L. MALE  
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.  
EXECUTIVE ASSISTANT

WALTER S. TURNER  
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES  
ADMINISTRATIVE ASSISTANT

ADMINISTRATIVE BUILDING  
64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205), 634-5150

Madison County Commission  
c/o Julian D. Butler, County Attorney  
Madison County Courthouse  
Huntsville, Alabama 35801

Madison County-Legislators-  
Funds

Funding of legislative dele-  
gation office pursuant to  
Act No. 79-794 of the 1979  
Regular Session of the  
Alabama Legislature discussed.

Dear Commissioners:

I have received and considered your request, submitted through Mr. Julian Butler, County Attorney, concerning the implementation of Act No. 79-794 of the 1979 Regular Session of the Alabama Legislature and the County Commission's responsibility under that act. With respect to that legislative act you have asked the following questions:

- "1. Who determines, and how is such determination made, whether the funds for the establishment and maintenance of a legislative delegation office for the Madison County Legislative Delegation shall be paid from the alcoholic beverage tax revenues accruing to the City of Huntsville, as provided in Subsection A., or from the first \$40,000.00 paid, as Madison County's total share, of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes, as provided in Subsection B?

- "2. Are the two provisions (Subsection A. and Subsection B.) cumulative, that is, may the \$40,000.00 authorized under Subsection B. be expended for the purposes of establishing and maintaining a legislative delegation office for the Madison County Legislative Delegation and, also, additional funds (in excess of the \$40,000.00) for the purpose of establishing and maintaining a legislative delegation office for the Madison County Legislative Delegation be paid from the alcoholic beverage tax revenues accruing for the City of Huntsville?
- "3. Who (The Madison County Legislative Delegation, the Madison County Commission, the State Examiners of Public Accounts, or some other entity) has the obligation and responsibility to audit on an annual basis the revenue and expenditures of the legislative office?
- "4. If it is your opinion that Subsection B. of Section 1 is applicable, if the Madison County Commission receives a request from the Madison County Legislative Delegation in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the legislative delegation, does the Madison County Commission have any discretion in the payment of such voucher, or must it provide the funds upon such request without further inquiry into the purpose of such expenditures?"

First, it is my opinion that the county legislative delegation has the discretion to decide and determine whether to obtain funds for its legislative delegation office under Subsection A of Section 1 of the act or under Subsection B of Section 1 of the act. That decision must be made by the county legislative delegation as provided by the act by the adoption of a resolution passed by the county legislative delegation, signed by one senator and one member of the House of Representatives from the county appointed by the legislative delegation.

In answer to your second question, it is my opinion that Subsection A and Subsection B are not cumulative as Subsection B is stated to be "in the alternative to Subsection A." Thus, if the legislative delegation by proper resolution decides to fund its legislative office pursuant to Subsection A it cannot also receive funds pursuant to Subsection B and vice versa.

In answer to your third question, although the law itself is vague concerning who has responsibility for seeing that expenditures of the legislative office are audited on an annual basis, it is my opinion that the Madison County Legislative Delegation is responsible for seeing that a proper audit is conducted since the delegation is responsible for the expenditure of the funds involved.

It is further my opinion, in answer to your fourth question, that the Madison County Commission does not have any discretion in the payment of the specified funds but, assuming that the proper resolution has been adopted, the Commission must provide such funds as requested by the county legislative delegation.

I hope and trust that this sufficiently answers your questions. If we can be of any further assistance, please let me know.

Sincerely,

CHARLES A. GRADDICK  
Attorney General  
By-

*William T. Stephens*  
WILLIAM T. STEPHENS  
Assistant Attorney General