

OFFICE OF THE ATTORNEY GENERAL

94-00082



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JAN - 4 1994

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Honorable Catherine R. Hunt
Executive Director
State Safety Coordinating Committee
400 South Union Street, Suite 325
Montgomery, AL 36104

State Safety Coordinating
Committee - Budgets -
Appropriations - State Funds

The State Safety Coordinating
Committee is subject to the
Budget Management Act, Section
41-19-1, et seq., Code of
Alabama 1975.

Dear Ms. Hunt:

This opinion is issued in response to your request for
an opinion from the Attorney General.

QUESTION

The State Safety Coordinating Committee
receives funding under Act No. 87-638 from
fund 300821, Driver Education and Training
Fund. As you can see from the attached
copy of the previous letter regarding the
Committee's funding, dated April 7, 1965,
it was determined that these funds were
exempt from the Budget and Financial
Control Act.

We would like to clarify our current status under the Budget Management Act, §§ 41-19-1 through 41-19-12. Any assistance you could give us regarding this would be greatly appreciated.

To your request you attached a copy of an opinion dated April 7, 1965, from Attorney General Richmond M. Flowers to State Comptroller John Graves. To the extent that the Graves opinion conflicts herewith, it is expressly overruled.

FACTS AND ANALYSIS

The State Safety Coordinating Committee (Committee), established by Section 32-3-1, et seq., Code of Alabama 1975, is an agency of state government. It is funded with public funds appropriated by the Legislature, acts on behalf of the State and performs a state function.

The Budget Management Act of 1976 is set forth at Section 41-19-1, et seq., Ala. Code 1975. Section 41-19-2 states:

"For the purposes of this chapter, the term 'agency/department' shall include state agencies, departments, boards, bureaus, the legislature and institutions of the state."

No exceptions to the requirements of the Budget Management Act are found in the Act nor in the Committee's enabling statutes.

The April 7, 1965, opinion of Attorney General Flowers is directed to the State Comptroller and appears to deal with his payment of funds appropriated by Act No. 244, Alabama Legislature, First Special Session 1964, and not with the applicability of the State's fiscal laws to the Committee. To the extent that the Graves opinion conflicts herewith, it is expressly overruled.

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CONCLUSION

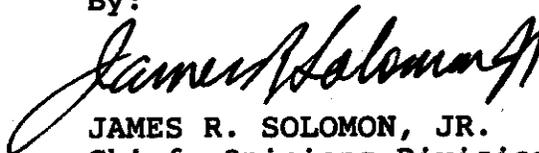
The State Safety Coordinating Committee is subject to the requirements of the Budget Management Act, Section 41-19-1, et seq., Ala. Code 1975.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General

By:



JAMES R. SOLOMON, JR.
Chief, Opinions Division

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