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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Honorable Charles F. Gruber  
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Bay Minette, Alabama 36507

Juvenile Courts - Funds - Facilities -  
County Commissions - Construction

Monies from the Juvenile  
Supervision Services Fund may not  
be used for construction projects.

Dear Mr. Gruber:

This opinion of the Attorney General is issued in response to your request on behalf of the Baldwin County Commission.

QUESTION

May the Honorable Carmen E. Bosch, Circuit Judge of the 28th Judicial Circuit, authorize revenues from the Juvenile Supervision Services Fund to be paid to the Baldwin County Commission to construct facilities to house juvenile supervision services under Act 2006-293?

FACTS AND ANALYSIS

Act 2006-293 is a local act, applicable to Baldwin County, creating the Juvenile Supervision Services Fund to be financed by juveniles on probation. 2006 Ala. Act No. 2006-293, 598. Section 4 of the act provides for the fund to be administered by the Baldwin County Commission, but expended "as necessary by the juvenile court." *Id.* at 599. Your request states that Judge Bosch is a circuit court judge who primarily handles juvenile court cases. You further state that she has determined that construction of new facilities for juvenile supervision services is

necessary for the continuance of such services and will offset related administrative expenses.

Section 4 of the act additionally provides for the fund monies to be used for the following services: “[S]uch as those provided by the Office of Juvenile Probation and the Juvenile Conference Committee portion of the Judicial Volunteer Program in Baldwin County, to offset *travel expenses, administrative expenses*, and if necessary, to assist in *paying salaries* for juvenile probation officers and the juvenile volunteer coordinator.” *Id.* (emphasis added).

In determining whether a proposed expenditure falls within the purview of a statute, there is a presumption that the Legislature did not intend to make any alteration in the law beyond what it declares either expressly or by unmistakable implication. *Holmes v. Sanders*, 729 So. 2d 314, 316 (Ala. 1999); *Duncan v. Rudolph*, 16 So. 2d 313, 314 (Ala. 1944). The language of section 4 neither expressly authorizes construction, nor is it unmistakably implied.

Moreover, under the well-established rules of statutory construction, where a statute enumerates certain things on which it is to operate, the statute must be construed to exclude all things not expressly mentioned. *Ex parte Holladay*, 466 So. 2d 956, 960 (Ala. 1985). The nature and class of things enumerated involve monetary compensation for expenses incurred and do not imply anything beyond. The powers provided to the Juvenile Conference Committee portion of the Judicial Volunteer Program also do not include any type of construction. ALA. R. JUV. P. 15.1.

The Legislature could have chosen to include construction as an express use of the funds, but chose not to do so. Act 2005-135 is a similar local act, applicable to Baldwin County, for adult offenders enacted a year earlier that expressly authorizes expenditures for “the leasing, purchasing, or *construction* of buildings used as the Baldwin County Community Corrections Center, or any other purpose reasonably related to carrying out this act or in furtherance of the intent of this act.” 2005 Ala. Act No. 2005-135, 229, 236-237 (emphasis added). The stark difference in authority for an act of similar purpose, in the same county, and adopted only a year apart, shows the Legislature did not intend for the fund to be used for construction purposes.

Your reliance on opinions of this Office construing similar local acts for Talladega County is misplaced because, in contrast to Act 2006-

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293, those acts broadly authorized expenditures "for any juvenile justice or enforcement purpose," "for expenses relating to juvenile justice," and "to further the juvenile justice system." Opinions to Honorable, Jerry L. Fielding, Presiding Circuit Judge, 29<sup>th</sup> Judicial Circuit, dated October 16, 2003, A.G. No. 2004-007, at 2; Honorable Barry D. Vaughn, Talladega County Attorney, dated February 28, 2002, A.G. No. 2002-158, at 3-4. *See also*, opinion to Honorable Tommy R. Dobson, Talladega County Presiding Juvenile Judge, dated February 26, 1999, A.G. No. 99-00123, at 2-3.

CONCLUSION

Monies from the Juvenile Supervision Services Fund may not be used for construction projects.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

TROY KING  
Attorney General  
By:



BRENDA F. SMITH  
Chief, Opinions Division

TK/GWB/DJ

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