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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Law Enforcement – Peace Officers
Standards and Training Commission
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County

The Town of Ranburne is not entitled to receive reimbursement from the Cleburne County Hospital Board, under section 36-21-7 of the Code of Alabama, for expenses paid by the town for training received at the Northeast Alabama Police Academy by a former employee of the town.

Dear Mr. Lee:

This opinion of the Attorney General is issued in response to your request on behalf of the Town of Ranburne.

QUESTION

Must the Cleburne County Hospital Board reimburse the Town of Ranburne for the \$7199.58 paid by the Town of Ranburne for the tuition, room and board, and salary of Michael W. Gore for Mr. Gore's training at Northeast Alabama Police Academy?

FACTS AND ANALYSIS

The resolution requesting the opinion states as follows:

WHEREAS, the Town of Ranburne employed Michael W. Gore as a police officer and, while employed, the Town did pay Mr. Gore's salary, expenses, tuition and required materials to attend Northeast Alabama Police Academy during January 2, 2003, until March 21, 2003; and

WHEREAS, the Town of Ranburne continued to employ Mr. Gore until March 9, 2004, at which time he resigned and began to work for the Cleburne County Hospital Board in its emergency medical system; and

WHEREAS, the Town of Ranburne on March 10, 2004, hand delivered an itemized statement requesting reimbursement from Cleburne County Hospital Board for the cost and expense of the academy training received by Mr. Gore, which totaled \$7,199.58; and

WHEREAS, the Town of Ranburne to date has not received payment from the Cleburne County Hospital Board. . . .

Section 36-21-7 of the Code of Alabama provides as follows:

In those instances in which a law enforcement officer, certified corrections officer, fire protection personnel, or firefighter of any municipality, county, sheriff's department, fire district, or the state is employed by the State of Alabama, any county, sheriff's department, fire district, or another municipality, within 24 months after completing the training requirements mandated by Article 3 (commencing with Section 36-21-40) of this chapter, or by Chapter 32 (commencing with Section 36-32-1), the total expense of the training, including, but not limited to, salary paid during training, transportation costs paid to the trainee for travel to and from the training facility, room, board, tuition, overtime paid to other employees who fill in for the trainee during his or her absence, and any other related training expenses, shall be reimbursed to

the municipality, county, fire district, or the state which paid for the training. The municipality, county, fire district, or the state which paid for the training shall submit an itemized sworn statement to the new employer of the law enforcement officer, fire protection personnel, or firefighter, as the case may be, shall demand payment thereof, and may enforce collection of the obligation through civil remedies and procedures. The term "law enforcement officer", shall have the same meaning as in Section 36-21-40 and the term "fire protection personnel and firefighter", shall have the same meaning as in Section 36-32-1.

ALA. CODE § 36-21-7 (Supp 2004). Pursuant to section 36-21-7, reimbursement must be made by the State, any county, sheriff's department, fire district, or another municipality that employs a law enforcement officer, certified corrections officer, fire protection personnel, or firefighter within 24 months after the individual completes the law enforcement or firefighting training requirements mandated by statute, and such training was paid for by another municipality, county, sheriff's department, fire district, or the State then employing the individual.

The Cleburne County Hospital Board is established pursuant to sections 22-21-70 through 22-21-83 of the Code of Alabama. ALA. CODE §§ 22-21-70 to 22-21-83 (1997). It is a public corporation. See ALA. CODE § 22-21-70 (1997) and opinion of the Attorney General to Honorable Betty Gaither, Chairperson, Cleburne County Hospital Board, dated June 13, 1995, A.G. No. 95-00234. A hospital board that is a public corporation is a separate entity from the State and from any local political subdivision, including the city or county in which it was organized. *Ala. State Florists Ass'n v. Lee County Hospital Bd.*, 479 So. 2d 720, 725 (Ala. 1985).

The Court of Civil Appeals concluded in *Limestone County Water and Sewer Authority v. City of Athens*, 2004 WL 1293255, ___ So. 2d ___, that public corporations were not included as entities in several statutes, including section 36-21-7, that are to receive reimbursement for expenses for training an employee that is employed by another entity within the time period specified in the statute. *Id.* at 6. These entities that are entitled to reimbursement are the same entities that may be required to reimburse the initial employer. Under the principle of *expressio unis est exclusio alterius*, a rule of statutory construction, where a statute enumerates certain things on which it is to operate, the statute must be

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construed as excluding from its effect all things not expressly mentioned. *Ex parte T.B.*, 698 So. 2d 127, 130 (Ala. 1997). For example, it was determined by this Office that the Poarch Band of Creek Indians is a federally recognized Indian tribe, but is not a municipality, county, sheriff's department, fire district, or state to be entitled to receive reimbursement under the provisions of section 36-21-7. Opinion of the Attorney General to Honorable Doyle Lee, Chief of Police, Town of Flomaton, dated September 25, 2002, A.G. No. 2002-347. The Cleburne County Hospital Board, as a public corporation, is not one of the enumerated entities that are required to reimburse the initial employer.

CONCLUSION

The Town of Ranburne is not entitled, under section 36-21-7 of the Code of Alabama, to receive reimbursement from the Cleburne County Hospital Board for expenses paid by the town for training received at the Northeast Alabama Police Academy by a former employee of the town.

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

Sincerely,

TROY KING
Attorney General

By:



BRENDA F. SMITH
Chief, Opinions Division

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