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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Coroners – County Commissions –
Expenses – Compensation – Autauga
County

The Autauga County Commission
may, within its discretion, supply the
county coroner with a county
automobile to use in the performance
of his or her duties.

Dear Mr. Faulk:

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

QUESTION

Is the Autauga County Commission author-
ized by state or local law to provide the county
coroner with an automobile and related expenses
to be used in the performance of his or her
duties?

FACTS AND ANALYSIS

The compensation of the coroner of Autauga County is governed by
Act 98-304 of the 1998 Legislative Session. It provides, in pertinent part,
as follows:

Section 1. Commencing with the next term
of office, the salary of the coroner of Autauga
County shall be fourteen thousand six hundred

dollars (\$ 14,600) per year, which shall be paid in the same manner and at the same time as other county employees.

Section 2. The salary provided in this act shall be in lieu of any other salary, compensation, or expense allowance provided for by general or local law.

1998 Ala. Acts No. 98-304, 497. Section 2 states that the salary provided by Act 98-304 "shall be in lieu of any other salary, compensation, or expense allowance provided by general or local law." *Id.* This section prohibits the county from paying the coroner any additional salary or providing the coroner with an expense allowance.

This Office has concluded that a county commission may furnish the county coroner with an automobile only when allowed by local or state general law. Opinion to Honorable Terry K. Lankford, County Clerk, DeKalb County Commission, dated April 19, 1985, A.G. No. 85-00318. A county can expend funds only upon express or implied authorization by legislative act. *Montgomery v. State* 228 Ala. 296, 153 So. 394 (1934); Opinion of the Attorney General to Honorable Rickey Stokes, Coroner, Houston County, dated November 22, 1983, A.G. No. 84-00078.

Several counties have local acts that specifically authorize the county commission to "pay all necessary expenses for the operation of the county coroner's office . . ." or "furnish the coroner with supplies and equipment necessary for the performance of his official duties." See opinions of the Attorney General to Mr. Rickey Stokes, Coroner, Dothan, dated September 24, 1984, A.G. No. 84-00460 at 1; and to Honorable Curtis L. McLellan, Judge of Probate, Lamar County, dated February 17, 1995, A.G. No. 95-00124 at 2. Research does not reveal this type of legislation relating to the coroner of Autauga County.

The county commission does, however, have the general authority to direct, control, and maintain the property of the county as the commission determines to be expedient. ALA. CODE § 11-3-11(a)(1) (1989). Pursuant to this general authority, the county may, within its discretion, authorize the use of a county automobile for the county coroner to perform the duties of the office. The county commission may not provide an additional expense allowance to the coroner because that is prohibited by the local act applicable to Autauga County setting the salary of the coroner at \$ 14,600 per year in lieu of other salary, compensation, or expense

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allowances. The county commission and the coroner should address any insurance and liability issues regarding the use of the car before the use of a county car is authorized.

This opinion is consistent with the opinion of the Attorney General to Honorable W. N. Watson, Attorney for the DeKalb County Commission, dated October 15, 2002, A.G. No. 2003-011, concerning the proper amount of expense allowance to be paid to the coroner. After reaching the conclusion that the coroner was entitled to receive only the \$600 per-month expense allowance, this Office stated that the DeKalb County Commission was not prohibited from providing the coroner of that county with an automobile to use in carrying out his or her duties.

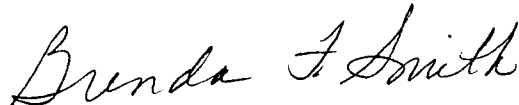
CONCLUSION

The Autauga County Commission may, within its discretion, supply the county coroner with a county automobile to use in the performance of his or her duties.

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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