

1 SB242  
2 96806-1  
3 By Senator French  
4 RFD: Governmental Affairs  
5 First Read: 06-FEB-08

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, the county commission  
9 of a county adopts a budget for county officers  
10 including the sheriff of a county who is by law a  
11 state constitutional officer charged with law  
12 enforcement in a county. The law does not specify  
13 that the sheriff of a county may transfer  
14 expenditures between different line items in the  
15 budget for the office of the sheriff in order to  
16 meet the law enforcement needs of the county.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
21

22 To amend Section 11-8-3 of the Code of Alabama 1975,  
23 as amended by Act 2007-488 of the 2007 Regular Session (Acts  
24 2007, p. 1037), relating to the preparation and adoption of  
25 the annual budget for a county by the county commission, to  
26 further provide for the expenditure of funds otherwise  
27 appropriated and available for the operation of the office of

1 the sheriff of a county in order to meet the law enforcement  
2 needs of the county.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 11-8-3 of the Code of Alabama  
5 1975, as amended by Act 2007-488 of the 2007 Regular Session  
6 (Acts 2007, p. 1037), is amended to read as follows:

7 "§11-8-3.

8 "(a) It shall be the duty of the county commission,  
9 at some meeting in September of each calendar year, but not  
10 later than October 1, to prepare and adopt a budget for the  
11 fiscal year beginning on October 1 of the current calendar  
12 year which shall include all of the following:

13 "(1) An estimate of the anticipated revenue of the  
14 county for all public funds under its supervision and control  
15 including all unexpended balances as provided in Section  
16 11-8-6.

17 "(2) An estimate of expenditures for county  
18 operations.

19 "(3) Appropriations for the respective amounts that  
20 are to be used for each of such purposes.

21 "(b) The appropriations made in the budget shall not  
22 exceed the estimated total revenue of the county available for  
23 appropriations.

24 "(c) The budget adopted, at a minimum, shall include  
25 any revenue required to be included in the budget under the  
26 provisions of Alabama law and reasonable expenditures for the  
27 operation of the offices of the judge of probate, tax

1 officials, sheriff, county treasurer, the county jail, the  
2 county courthouse, and other offices as required by law.

3 "(d) In order that the budget adopted is based upon  
4 an estimate of revenue and operating expenditures as nearly  
5 correct as possible, at least 60 days before the meeting of  
6 the county commission at which the county budget is adopted:

7 "(1) Any public official who receives public funds,  
8 including any official entitled to ex officio fees, or who  
9 issues any kind of order payable out of the county treasury  
10 without approval of such county commission shall furnish to  
11 the county commission in writing an estimate of the revenue  
12 and of the anticipated expenditures the official will be  
13 called upon to make during the next fiscal year.

14 "(2) The judge of probate, tax officials, sheriff,  
15 county treasurer, and any other county official or employee  
16 named by the county commission shall prepare and submit to the  
17 county commission an itemized estimate of the amount the  
18 official or employee believes to be necessary for personnel,  
19 office supplies, and other expenditures during the following  
20 fiscal year. Any official entitled to ex officio fees shall  
21 include in his or her estimate the estimated amount of any ex  
22 officio fees the official will receive during the following  
23 fiscal year.

24 "(e) Based upon the estimated revenue and  
25 expenditures set out in subsection (d), together with any  
26 other financial information available to the county commission  
27 regarding the anticipated revenue and expenditures for the

1 next fiscal year, the county commission shall approve a budget  
2 which includes the expenditures it deems proper for the next  
3 fiscal year.

4 "(f) Following the adoption of the budget, no  
5 obligation incurred by any county official or office over and  
6 above the amount or amounts approved and appropriated by the  
7 county commission shall be an obligation of the county unless  
8 the obligation is approved by an affirmative vote of a  
9 majority of the members of the county commission.

10 "(g) The budget may be amended during the fiscal  
11 year as determined necessary by affirmative vote of a majority  
12 of the members of the county commission. No amendment may  
13 authorize an expenditure which exceeds anticipated revenue of  
14 the county except as otherwise specifically authorized by  
15 general law.

16 "(h) Notwithstanding the other provision of this  
17 chapter or any other law to the contrary, after the adoption  
18 of the annual budget of a county, the sheriff may expend any  
19 funds appropriated from county funds, or otherwise available  
20 for expenditure for the operation of the office of sheriff not  
21 otherwise specifically restricted for a specific purpose by  
22 law, by and between any line items in the budget of the  
23 sheriff for any lawful purpose related to the law enforcement  
24 needs of the county as determined by the sheriff, provided the  
25 expenditure is within the total amount budgeted or otherwise  
26 available for the operation of the office of the sheriff."

1                   Section 2. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.