

1 SB359
2 158391-2
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 13-FEB-14

1 SB359

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4 ENROLLED, An Act,

5 Relating to the Office of the Attorney General; to
6 amend Section 36-15-4.2 to require the Office of the Attorney
7 General to deposit certain amounts into the Attorney General's
8 Litigation Support Fund, to remove the limitations on the
9 amount the Office of the Attorney General may deposit into the
10 Attorney General's Litigation Support Fund, and to provide for
11 detailed reporting, including reporting to the Legislative
12 Fiscal Officer.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 36-15-4.2 of the Code of Alabama
15 1975, are amended to read as follows:

16 "§36-15-4.2.

17 (a) There is established in the State Treasury a
18 special fund to be known as the Attorney General's Litigation
19 Support Fund.

20 (b) The fund ~~may~~ shall consist of any and all monies
21 designated by a court order as reasonable attorney fees and
22 related expenses or negotiated fees and related expenses for
23 matters settled out of court, and penalties paid in certain
24 cases received by the Attorney General pursuant to this
25 section as a result of any fees, fines, restitution,

1 forfeitures, penalties, costs, interest, or judgments
2 collected pursuant to any civil litigation, or any
3 administrative proceedings, or in settlement of any claim
4 asserted by or against the people of Alabama, the State of
5 Alabama, or any of its departments, agencies, institutions,
6 officers, employees, or political subdivisions thereof.
7 Notwithstanding the foregoing, the fees, fines, restitution,
8 forfeitures, penalties, costs, interest, or judgments shall
9 not be affected by this article unless the recipient entity of
10 the fees, fines, restitution, forfeitures, penalties, costs,
11 interest, or judgments agrees by written contract to
12 designate the receipt of such or a portion thereof to the
13 Attorney General. ~~Effective as of September 30, 2010, the~~ The
14 Attorney General may accept shall deposit court ordered
15 attorney fees and related expenses or negotiated settlements
16 and penalties for the use of the office of the Attorney
17 General into the fund in the fiscal year in which the sums are
18 ~~received in a total cumulative amount of 50 percent of the sum~~
19 ~~allocated to the office of the Attorney General from the State~~
20 ~~General Fund for that fiscal year and may retain and carryover~~
21 ~~up to 125 percent of the sum allocated to the office of the~~
22 ~~Attorney General from the State General Fund to the next~~
23 ~~fiscal year, which shall be taken into account by the~~
24 ~~Legislature in future appropriations.~~ Provided further,
25 however, any provision of this section shall not apply to any

1 attorney fees and related expenses or negotiated settlements
2 and penalties related to the 2010 gulf oil spill. ~~Any attorney~~
3 ~~fees and related expenses or penalties received by the office~~
4 ~~of the Attorney General in excess of the amount shall be~~
5 ~~remitted to the State General Fund.~~ Any amount received
6 pursuant to this subsection by the office of the Attorney
7 General shall be certified by the Attorney General to the
8 Chairs of the Senate Committee on Finance and Taxation General
9 Fund and the House Ways and Means General Fund Committee, the
10 Legislative Fiscal Officer, and the state Budget Officer. Such
11 certification shall include a detailed description of each
12 deposit received, as well as each future deposit referenced in
13 such court order or settlement.

14 (c) The Attorney General may expend monies
15 appropriated by the Legislature from the fund for the purpose
16 of implementing any provision of this article or for the
17 performance of any of the powers, functions, duties, and
18 responsibilities of the office of the Attorney General.

19 (d) The fund shall be placed under the management or
20 administration of the Attorney General for the purpose of
21 implementing this article or for the purpose of performing any
22 of the functions, duties, powers, and responsibilities of the
23 office of the Attorney General and all monies deposited in the
24 fund are available for appropriation to the office of the

1 Attorney General. The appropriations shall be budgeted and
2 allotted pursuant to Article 4 of Chapter 4 of Title 41.

3 (e) The appropriation of these monies shall be in
4 addition to any monies appropriated to the office of the
5 Attorney General from the State General Fund or from any other
6 sources.

7 (f) Neither the Attorney General, nor any employee
8 of that office, shall have any financial interest in the
9 investment of monies in the fund nor receive any commission
10 with respect thereto.

11 (g) It shall be the duty of the Attorney General to
12 keep records of all expenditures and disbursements from the
13 fund.

14 Section 2. This act shall become effective
15 immediately upon its passage and approval by the Governor, or
16 its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB359

Senate 04-MAR-14

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 01-APR-14

By: Senator Orr