

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

8 SYNOPSIS: Under current law, the Attorney General may
9 deposit into the Attorney General's Litigation
10 Support Fund court ordered attorney fees and
11 related expenses or negotiated settlements and
12 penalties for the use of the Office of the Attorney
13 General in the fiscal year in which the sums are
14 received in a total amount of 50 percent of the sum
15 allocated to the Office of the Attorney General
16 from the State General Fund for that fiscal year
17 and may retain and carryover up to 125 percent of
18 the sum allocated to the Office of the Attorney
19 General from the State General Fund into the next
20 fiscal year.

21 This bill requires the Office of the
22 Attorney General to deposit such amounts into the
23 Attorney General's Litigation Support Fund and
24 removes the limitations on the amount the Office of
25 the Attorney General may deposit into the fund and
26 provides for detailed reporting, to include
27 reporting to the Legislative Fiscal Officer.

1

A BILL

2
3 TO BE ENTITLED

4
5 AN ACT

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

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 36-15-4.2 of the Code of Alabama
16 1975, are amended to read as follows:

17 "§36-15-4.2.

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

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

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

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

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

16 (d) The fund shall be placed under the management or
17 administration of the Attorney General for the purpose of
18 implementing this article or for the purpose of performing any
19 of the functions, duties, powers, and responsibilities of the
20 office of the Attorney General and all monies deposited in the
21 fund are available for appropriation to the office of the
22 Attorney General. The appropriations shall be budgeted and
23 allotted pursuant to Article 4 of Chapter 4 of Title 41.

24 (e) The appropriation of these monies shall be in
25 addition to any monies appropriated to the office of the
26 Attorney General from the State General Fund or from any other
27 sources.

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

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

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