

CHAPTER 37

GOVERNMENT - STATE

HOUSE BILL 12-1248

BY REPRESENTATIVE(S) Gerou, Becker, Levy;
also SENATOR(S) Lambert, Hodge, Steadman.

AN ACT

CONCERNING THE RECEIPT OF CERTAIN MONEYS BY THE DEPARTMENT OF LAW.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-31-108, **amend** (1); and **add** (2.5) as follows:

24-31-108. Receipt of moneys - subject to appropriation - exception for custodial moneys - legal services cash fund - creation - definition - repeal.
(1) (a) Except as otherwise provided in PARAGRAPH (b) OF THIS SUBSECTION (1) OR IN subsection (2) or (3) of this section, any moneys received by the attorney general and paid to the department of the treasury pursuant to section 24-31-101 (1) (d) ~~shall be~~ ARE subject to annual appropriation by the general assembly.

(b) (I) THE DEPARTMENT OF LAW IS AUTHORIZED TO SOLICIT, ACCEPT, AND EXPEND GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE SOURCES FOR THE PURPOSES OF THIS ARTICLE; EXCEPT THAT THE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE STATE. ALL MONEYS COLLECTED BY THE DEPARTMENT OF LAW PURSUANT TO THIS PARAGRAPH (b) SHALL BE TRANSMITTED TO THE STATE TREASURER TO BE CREDITED TO THE PARTICULAR FUND DEEMED MOST APPROPRIATE BY THE DEPARTMENT OF LAW AND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF LAW FOR THE PURPOSES OF THIS ARTICLE.

(II) THE DEPARTMENT OF LAW SHALL INCLUDE WITH ITS ANNUAL BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE A REPORT DESCRIBING THE RECEIPT AND EXPENDITURE OF MONEYS UNDER THIS PARAGRAPH (b).

(III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2015.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2.5) THERE IS HEREBY CREATED IN THE STATE TREASURY THE LEGAL SERVICES CASH FUND, ALSO REFERRED TO IN THIS SUBSECTION (2.5) AS THE "FUND". THE DEPARTMENT OF LAW SHALL TRANSMIT ALL MONEYS RECEIVED FROM STATE AGENCIES AS PAYMENT FOR LEGAL SERVICES TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. THE MONEYS IN THE FUND AND ALL INTEREST EARNED ON SUCH MONEYS ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF LAW FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH PROVIDING LEGAL SERVICES TO STATE GOVERNMENTAL ENTITIES AND FOR ANY OF THE DEPARTMENT'S LITIGATION EXPENSES. ANY UNEXPENDED MONEYS IN THE FUND AT THE END OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO ANY OTHER FUND.

SECTION 2. Effective date. This act takes effect July 1, 2012.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 19, 2012