

CHAPTER 83

GOVERNMENT - STATE

SENATE BILL 00-075

BY SENATORS Lacy, Owen, and Tanner;
also REPRESENTATIVES Tool, Berry, Saliman, Coleman, George, and Pffiffer.

AN ACT

CONCERNING THE DISPOSITION OF MONEYS RECEIVED BY THE ATTORNEY GENERAL.

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

SECTION 1. Part 1 of article 31 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-31-108. Receipt of moneys - subject to appropriation - exception for custodial moneys - definitions. (1) EXCEPT AS OTHERWISE PROVIDED 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 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY.

(2) ANY MONEYS RECEIVED BY THE ATTORNEY GENERAL AS AN AWARD OF ATTORNEY FEES OR COSTS THAT ARE NOT CUSTODIAL MONEYS SHALL BE PLACED IN A SEPARATE ATTORNEY FEES AND COSTS ACCOUNT AND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR LEGAL SERVICES PROVIDED BY THE DEPARTMENT OF LAW.

(3) IF ALL OR A PORTION OF ANY MONEYS RECEIVED BY THE ATTORNEY GENERAL AND PAID TO THE DEPARTMENT OF THE TREASURY PURSUANT TO SECTION 24-31-101 (1) (d) ARE CUSTODIAL MONEYS, THE ATTORNEY GENERAL SHALL DIRECT THE STATE TREASURER IN WRITING TO PLACE SUCH CUSTODIAL MONEYS IN A SEPARATE ACCOUNT. ANY CUSTODIAL MONEYS PLACED IN A SEPARATE ACCOUNT PURSUANT TO THIS SUBSECTION (3) SHALL NOT BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. A COPY OF THE WRITTEN DIRECTION TO THE STATE TREASURER SHALL BE DELIVERED TO THE JOINT BUDGET COMMITTEE. SUCH WRITTEN DIRECTION SHALL SET FORTH THE BASIS FOR THE ATTORNEY GENERAL'S DETERMINATION THAT THE MONEYS

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

ARE CUSTODIAL MONEYS AND SHALL SPECIFY THE MANNER IN WHICH THE MONEYS WILL BE EXPENDED. SUCH WRITTEN DIRECTION SHALL BE GIVEN TO THE STATE TREASURER WITHIN THIRTY DAYS AFTER THE DATE THE MONEYS ARE PAID TO THE DEPARTMENT OF THE TREASURY. ANY CUSTODIAL MONEYS PLACED IN A SEPARATE ACCOUNT PURSUANT TO THIS SUBSECTION (3) SHALL BE EXPENDED ONLY FOR THE PURPOSES FOR WHICH THE MONEYS HAVE BEEN PROVIDED. THE DEPARTMENT OF LAW SHALL PROVIDE WITH ITS ANNUAL BUDGET REQUEST AN ACCOUNTING OF HOW CUSTODIAL MONEYS HAVE BEEN OR WILL BE EXPENDED. FOR INFORMATIONAL PURPOSES, THE EXPENDITURE OF SUCH MONEYS MAY BE INDICATED IN THE ANNUAL GENERAL APPROPRIATION ACT.

(4) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CUSTODIAL MONEYS" MEANS MONEYS RECEIVED BY THE ATTORNEY GENERAL:

(I) THAT ORIGINATED FROM A SOURCE OTHER THAN THE STATE OF COLORADO;

(II) THAT ARE AWARDED OR OTHERWISE PROVIDED TO THE STATE FOR A PARTICULAR PURPOSE;

(III) FOR WHICH THE STATE IS ACTING AS A CUSTODIAN OR TRUSTEE TO CARRY OUT THE PARTICULAR PURPOSE FOR WHICH THE MONEYS HAVE BEEN PROVIDED.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4), CUSTODIAL MONEYS SHALL NOT INCLUDE THE FOLLOWING:

(I) MONEYS IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115;

(II) MONEYS IN THE TOBACCO LITIGATION SETTLEMENT TRUST FUND CREATED IN SECTION 24-22-115.5; AND

(III) TOBACCO LITIGATION SETTLEMENT MONEYS SUBJECT TO APPROPRIATION OR EXPENDITURE PURSUANT TO SECTION 24-22-115.6.

SECTION 2. Applicability. This act shall apply to moneys received by the attorney general on or after the effective date of this act.

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 31, 2000