

## CHAPTER 268

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**GOVERNMENT - STATE**


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**SENATE BILL 10-143**

BY SENATOR(S) Morse, Boyd, Foster, Gibbs, Heath, Hodge, Johnston, King K., Newell, Penry, Romer, Shaffer B., Steadman, Whitehead, Williams;  
also REPRESENTATIVE(S) Scanlan and Massey, Gerou, Labuda, Pace, Priola, Todd.

**AN ACT**

**CONCERNING THE REFUND OF MONEYS ERRONEOUSLY COLLECTED BY THE COLORADO DEPARTMENT OF STATE PRIOR TO A CERTAIN DATE, AND, IN CONNECTION THEREWITH, AUTHORIZING THE STATE CONTROLLER TO ISSUE WARRANTS TO REFUND SUCH MONEYS TO THE PROPER PERSONS, AND MAKING AN APPROPRIATION.**

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

**SECTION 1.** 24-21-104 (3) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**24-21-104. Fees of secretary of state - repeal.**  
(3) (d) (XV) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (B) OF THIS SUBSECTION (3) OR OF SECTION 24-30-203 TO THE CONTRARY, THE STATE CONTROLLER IS AUTHORIZED, UPON RECEIPT OF A VOUCHER DRAWN BY THE SECRETARY OF STATE, TO DEDUCT FROM THE DEPARTMENT OF STATE CASH FUND ALL MONEYS ERRONEOUSLY COLLECTED BY THE DEPARTMENT OF STATE PRIOR TO JULY 1, 2006, AND TO DRAW A WARRANT TO REFUND SUCH MONEY TO THE PERSONS FROM WHOM IT WAS COLLECTED OR RECEIVED. THE SECRETARY OF STATE SHALL TRANSFER ANY ERRONEOUSLY COLLECTED MONEYS TO THE UNCLAIMED PROPERTY TRUST FUND CREATED IN ARTICLE 13 OF TITLE 38, C.R.S., IF:

(A) THE ERRONEOUSLY COLLECTED MONEYS GO UNCLAIMED FOR MORE THAN ONE YEAR AFTER THE CONTROLLER HAS DRAWN THE WARRANT TO REFUND SUCH MONEYS;

(B) THE SECRETARY OF STATE CANNOT DETERMINE AN ADDRESS FOR THE INTENDED RECIPIENT OF THE ERRONEOUSLY COLLECTED MONEYS; OR

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

(C) THE SECRETARY OF STATE DETERMINES THAT THE AMOUNT OF THE ERRONEOUSLY COLLECTED MONEYS OWED TO A RECIPIENT IS SO SMALL AS TO MAKE THE REFUND PROCESS COST-PROHIBITIVE.

(D) THIS SUBPARAGRAPH (XV) IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 2. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2010, the sum of one thousand dollars (\$1,000) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of personnel and administration, for allocation to the division of accounts and control - controller, for personal services, for the fiscal year beginning July 1, 2010, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds received from the department of state out of the appropriation made in subsection (1) of this section.

**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: May 25, 2010