

USE OF ATTORNEY GENERAL FUND

2002 SIXTH SPECIAL SESSION

STATE OF UTAH

Sponsor: John L. Valentine

This act modifies the Criminal Code and Title 67, State Officers and Employees, by amending and renumbering the provision regarding the Attorney General Litigation Fund. This act amends the fund to allow the attorney general to use fund monies to carry out the office's responsibilities under state and federal law. This act relocates the amended provision from the antitrust prosecution area of the code to Title 67, Chapter 5, Attorney General. This act has an immediate effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

RENUMBERS AND AMENDS:

67-5-19, (Renumbered from 76-10-922, as last amended by Chapters 256 and 328, Laws of Utah 2002)

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **67-5-19**, which is renumbered from Section 76-10-922 is renumbered and amended to read:

~~[76-10-922].~~ **67-5-19. Attorney General Operation Costs Fund.**

(1) (a) There is created a special revenue fund known as the Attorney General ~~[Litigation]~~ Operation Costs Fund for the purpose of providing funds to pay for any costs and expenses incurred by the state attorney general in relation to ~~[actions under state or federal antitrust or criminal laws]~~ carrying out the office's responsibilities under state and federal law.

These funds are in addition to other funds as may be appropriated by the Legislature to the attorney general for the administration and enforcement of the laws of this state.

(b) At the close of any fiscal year, any balance in the fund in excess of \$2,000,000 shall be transferred to the General Fund.

(c) The attorney general may expend monies from the Attorney General ~~[Litigation]~~



28 Operation Costs Fund for the purposes in Subsection (1)(a).

29 (2) (a) All monies received by the state or its agencies by reason of any judgment,
30 settlement, or compromise as the result of any action commenced, investigated, or prosecuted
31 by the attorney general, after payment of any fines, restitution, payments, costs, or fees
32 allocated by the court, shall be deposited in the Attorney General [~~Litigation~~] Operation Costs
33 Fund, except as provided in Subsection (2)(b).

34 (b) (i) Any expenses advanced by the attorney general in any of the actions under
35 Subsection (1)(a) shall be credited to the Attorney General [~~Litigation~~] Operation Costs Fund.

36 (ii) Any monies recovered by the attorney general on behalf of any private person or
37 public body other than the state shall be paid to those persons or bodies from funds remaining
38 after payment of expenses under Subsection (2)(b)(i).

39 [~~(3) The Division of Finance shall transfer any monies remaining in the Antitrust~~
40 ~~Revolving Account on July 1, 2002, to the Attorney General Litigation Fund created in~~
41 ~~Subsection (1):]~~

42 Section 2. **Effective date.**

43 If approved by two-thirds of all the members elected to each house, this act takes effect
44 upon approval by the governor, or the day following the constitutional time limit of Utah
45 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
46 the date of veto override.

Legislative Review Note
as of 12-18-02 2:05 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel