

CONSTITUTIONAL DEFENSE COUNCIL

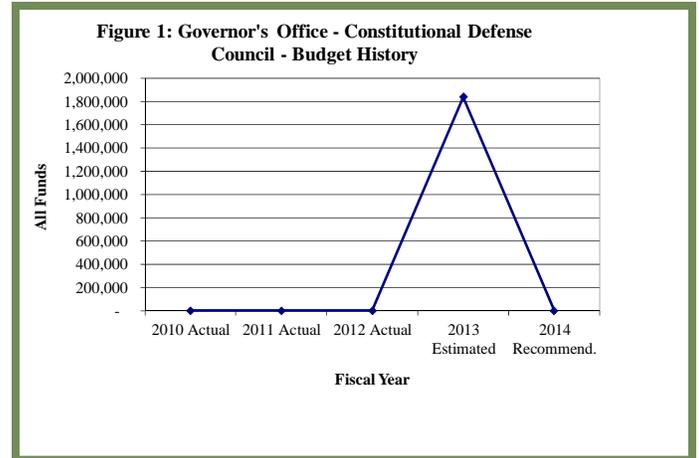
EXECUTIVE OFFICES & CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
STAFF: ZACKERY KING

BUDGET BRIEF

SUMMARY

The Constitutional Defense Council Line Item was created during the 2012 General Session with an appropriation of \$1,838,400; a one-time appropriation from the Constitutional Defense Restricted Account. The purpose of these funds is to supplement the litigation of current cases on RS2477 Roads, federal law evaluation and response, state water rights, title transfer of public lands from the United States to the State of Utah, etc.

The Constitutional Defense Council Line Item is part of a series of line items used by the Governor’s Office to track funding to the Constitutional Defense Council. These line items include the Constitutional Defense Council Line Item, the Governor’s Office Line Item, the Public Lands Litigation Line Item, and the Public Lands Policy Coordination Office Line Item.



Please see http://le.utah.gov/lfa/reports/cobi2013/LI_CAB.htm for further detail about the Public Lands Litigation Line Item.

Within the Governor’s Office Line Item is a program called Federal Law Evaluation and Response; until FY 2012, this program was called the Constitutional Defense Council. House Bill 76, “Federal Law Evaluation and Response,” from the 2011 General Session, created the Federalism Subcommittee of the Constitutional Defense Council and the program has been referred to by its current name since that time.

Please see http://le.utah.gov/lfa/reports/cobi2013/LI_CAA.htm#appr_CAH for a breakdown of the Constitutional Defense Council’s budget and further detail about the Federal Law Evaluation and Response program.

ISSUES AND RECOMMENDATIONS

Base Budget

For the Constitutional Defense Council Line Item, the Fiscal Analyst recommends a FY 2014 budget of \$0. See below for details.

In previous sessions steady increases of funding to the Constitutional Defense Council for the purposes stated above. However, the \$1.8 million appropriation to the Constitutional Defense Council Line Item was a one-time appropriation. If it is the will of the Legislature to fund the Constitutional Defense Council through this line item, action will need to be taken during the appropriations process or through additional legislation to authorize such appropriations.

Intent Language

The Fiscal Analyst recommends the following intent language to make the Character Education Line Item’s FY 2013 unexpended appropriations nonlapsing at the end of FY 2013 (recommended by the Governor):

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for the Governor's Office-Constitution Defense Council in Item 27 Chapter 417 Laws of Utah 2012 not lapse at the close of Fiscal Year 2013.

BUDGET DETAIL TABLE

| Governor's Office - Constitutional Defense Council | | | | | | |
|--|------------|--------------------|-------------|--------------------|----------------------|-------------|
| | FY 2012 | FY 2013 | | FY 2013 | | FY 2014* |
| Sources of Finance | Actual | Appropriated | Changes | Revised | Changes | Recommended |
| GFR - Constitutional Defense | 0 | 1,838,400 | 0 | 1,838,400 | (1,838,400) | 0 |
| Total | \$0 | \$1,838,400 | \$0 | \$1,838,400 | (\$1,838,400) | \$0 |
| Programs | | | | | | |
| Constitutional Defense Council | 0 | 1,838,400 | 0 | 1,838,400 | (1,838,400) | 0 |
| Total | \$0 | \$1,838,400 | \$0 | \$1,838,400 | (\$1,838,400) | \$0 |
| Categories of Expenditure | | | | | | |
| Current Expense | 0 | 0 | 1,838,400 | 1,838,400 | (1,838,400) | 0 |
| Other Charges/Pass Thru | 0 | 1,838,400 | (1,838,400) | 0 | 0 | 0 |
| Total | \$0 | \$1,838,400 | \$0 | \$1,838,400 | (\$1,838,400) | \$0 |

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.

SUMMARY OF RECOMMENDATIONS

The analyst recommends the Legislature:

1. Approve a FY 2014 recommended budget of \$0.
2. After review and adjustment, approve the intent language on page 1.

