

1 **USE OF CONSTITUTIONAL DEFENSE**
2 **COUNCIL RESTRICTED ACCOUNT**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Thomas V. Hatch**

6 AN ACT RELATING TO STATE BOARDS AND COMMISSIONS; EXPANDING
7 AUTHORIZED EXPENDITURES FROM THE CONSTITUTIONAL DEFENSE COUNCIL
8 RESTRICTED ACCOUNT; AND MAKING TECHNICAL CORRECTIONS.

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

10 AMENDS:

11 **63C-4-103**, as enacted by Chapter 371, Laws of Utah 1999

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

13 Section 1. Section **63C-4-103** is amended to read:

14 **63C-4-103. Creation of Constitutional Defense Restricted Account -- Sources of**
15 **funds -- Uses of funds.**

16 (1) There is created a restricted account within the General Fund known as the
17 Constitutional Defense Restricted Account.

18 (2) The account consists of monies from the following revenue sources:

19 (a) monies deposited to the [fund] account from the Mineral Bonus Account as required
20 by Subsection 59-21-2(2);

21 (b) voluntary contributions;

22 (c) monies received by the Constitutional Defense Council from other state agencies; and

23 (d) appropriations made by the Legislature.

24 (3) Funds in the account shall be nonlapsing.

25 (4) (a) The account shall earn interest.

26 (b) All interest earned on account monies shall be deposited into the General Fund.

27 (5) The account balance may not exceed \$1 million.

28 (6) (a) The Legislature may annually appropriate monies from the Constitutional Defense
29 Restricted Account to the Constitutional Defense Council to carry out its duties in Section
30 63C-4-102.

31 (b) For those monies deposited to the Constitutional Defense Restricted Account from the
32 Mineral Bonus Account, the Legislature may annually appropriate some or all them to a county,
33 or an association of counties, to assist counties in challenging legal mandates and regulations
34 involving:

35 (i) legal and policy issues surrounding state and local government rights under R.S. 2477;

36 (ii) federal laws or regulations that reduce or negate water rights or the rights of owners
37 of private property;

38 (iii) conflicting federal regulations or policies in land management on federal land;

39 (iv) federal intervention that would damage the state's mining, timber, and ranching
40 industries;

41 (v) the authority of the Environmental Protection Agency and Congress to mandate local
42 air quality standards and penalties; and

43 (vi) other issues affecting the counties that are consistent with the purpose of the council.

Legislative Review Note

as of 1-3-00 1:11 PM

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

Office of Legislative Research and General Counsel