

# STATE OF UTAH

## Fund Information

**FINET Name:** (FIN) Constitutional Defense Restricted Account

**FINET Fund:** 1321

**Legal Name:** Constitutional Defense Restricted Account

**Legal Authorization:** UCA 63C-4a-402

**Earns Interest:**  Yes  No **Earns Interest Authority:** UCA 63C-4-103(4)(a)(Repealed May 2000)

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### Revenue Source(s):

1) 7.5% of all mineral lease revenues deposited in the Land Exchange Distribution Account, per UCA 53C-3-203; 2) voluntary contributions; 3) state appropriations; 4) monies received from other state agencies.

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### Description:

The 1999 Legislature (HB130) created the Constitutional Defense Restricted Account; monies appropriated from this fund will be used by the Constitutional Defense Council, an advisory council to the Governor and to the Legislature.

The 2000 Legislature (HB244) expanded authorized expenditures from this fund (UCA 63C-4-103(6)) and changed the maximum account balance from \$1million to \$2 million. Any excess funds must be transferred to the permanent Community Impact Fund (Fund 655) per SB 55. SB55 also provided that any funds in excess of \$750,000 in the Rural E-Commerce Fund (Fund 206) be transferred to the Constitutional Defense Restricted Account.

SB 66 (2002 GS) Modified the percentage of rentals and royalties on acquired land and the lease of acquired mineral interests from 10% to 4.5%

SB 239 (2005 GS) Modifies this fund to allow it to be appropriated to the Public Lands Policy Coordinating Office and Public Lands Policy Coordinating Council.

HB 134 (2007) Modifies UCA 63C-4-103 (enacting statute for the fund) to receive 7.5% of all deposits (mineral lease revenues) to the Land Exchange Distribution Account (53C-3-203).

HB 63 (2008 GS) Modified Title 63, State Affairs in General, by recodifying and renumbering the content of the title to other parts of the code, impacting the statute for this fund.

HB 169 (2009 GS) Eliminated the Public Lands Policy Coordinating Council, which received an annual appropriation from the fund under UCA 63C-4-103(5).

HB 324 (2010 GS) Appropriates \$1,000,000 for FY 11, FY 12, and FY 13 only from the Land Exchange Distribution Account to the Constitutional Defense Restricted Account for legal services and just compensation for property taken. The appropriation from the account to the Governor's Office is nonlapsing. Increases the fund cap on the Constitutional Defense Restricted Account from \$2,000,000 to \$5,000,000.

HB 76 (2011 GS) Reallocates distributions from the Land Exchange Distribution Account. Reduces the distribution from the Permanent Community Impact Fund (from 6.5% to 3%) (#5285)). Increases the distribution to the Constitutional Defense Restricted Account (from 7.5% to 11%)(#1321). Makes permanent the \$1,000,000 priority distribution to the Constitutional Defense Restricted Account from the Land Exchange Distribution Account each year. Removes the cap on the Constitutional Restricted Account (#1321). Adjusts appropriations for FY 2012 per the changes in the bill and also appropriates from the Constitutional Defense Rest Acct the additional \$600,000 it will receive to the Constitutional Defense Council (\$250,000) and the AG (\$350,000).

HB 462 (2012 GS) Amends the duties of the Constitutional Defense Council; amends the purposes for which money from the Constitutional Defense Restricted Account may be used as follows: 1) the Governor's Office may also use money from the account for an issue arising with another state regarding the use or ownership of water, 2) the AG may also use money from the account for asserting, defending, or litigating an issue arising with another state regarding the use or ownership of water.

HB 131 (2013 GS) Recodifies Title 63C, Chapter 4, Constitutional Defense Council, and renames it the Constitutional and Federalism Defense Act. Amends the duties of the Constitutional Defense Council. Creates the Commission on Federalism and describes its duties, which include most of the duties formerly assigned to the Federalism Subcommittee. Amends provisions relating to the Constitutional Defense Restricted Account. Renumbers the enacting

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This report presents unofficial, unaudited information that is subject to change.

For audited financial statements, see the State of Utah Comprehensive Annual Financial Report at <http://finance.utah.gov/cafr.html>

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section of the code for this fund. Subjects the provisions of this bill to sunset review before being repealed on July 1, 2018.

### Fund Balance History:

<u>Fund</u>	<u>Year</u>	<u>Beg Balance</u>	<u>Revenues</u>	<u>Expenses</u>	<u>Transfers</u>	<u>End Balance</u>
1321	1999	\$0	\$0	\$0	\$0	\$0
1321	2000	\$0	\$0	\$0	\$0	\$0
1321	2001	\$0	\$2,270,375	\$0	(\$1,692,800)	\$577,575
1321	2002	\$577,575	\$2,563,801	\$0	(\$1,205,000)	\$1,936,376
1321	2003	\$1,936,376	\$1,813,405	\$0	(\$2,000,000)	\$1,749,782
1321	2004	\$1,749,782	\$702,805	\$0	(\$1,947,183)	\$505,404
1321	2005	\$505,404	\$1,034,393	\$0	(\$343,919)	\$1,195,878
1321	2006	\$1,195,878	\$1,463,568	\$0	(\$1,245,707)	\$1,413,739
1321	2007	\$1,413,739	\$1,016,444	\$0	(\$1,030,500)	\$1,399,683
1321	2008	\$1,399,683	\$0	\$0	(\$434,207)	\$965,476
1321	2009	\$965,476	\$0	\$0	(\$965,476)	\$0
1321	2010	\$0	\$0	\$0	\$633,614	\$633,614
1321	2011	\$633,614	\$0	\$0	\$16,182	\$649,796
1321	2012	\$649,796	\$0	\$0	(\$649,796)	\$0
1321	2013	\$0	\$0	\$0	\$0	\$0