

Effective 5/10/2016

63C-4a-402 Creation of Constitutional Defense Restricted Account -- Sources of funds -- Uses of funds -- Reports.

- (1) There is created a restricted account within the General Fund known as the Constitutional Defense Restricted Account.
- (2) The account consists of money from the following revenue sources:
 - (a) money deposited to the account as required by Section 53C-3-203;
 - (b) voluntary contributions;
 - (c) money received by the council from other state agencies; and
 - (d) appropriations made by the Legislature.
- (3) The Legislature may annually appropriate money from the Constitutional Defense Restricted Account to one or more of the following:
 - (a) the commission, to fund the commission and for the commission's duties;
 - (b) the council, to fund the council and for the council's duties;
 - (c) the Public Lands Policy Coordinating Office to carry out its duties in Section 63J-4-603;
 - (d) the Office of the Governor, to be used only for the purpose of asserting, defending, or litigating:
 - (i) an issue arising with another state regarding the use or ownership of water; or
 - (ii) state and local government rights under R.S. 2477, in accordance with a plan developed and approved as provided in Section 63C-4a-403;
 - (e) a county or association of counties to assist counties, consistent with the purposes of the council, in pursuing issues affecting the counties;
 - (f) the Office of the Attorney General, to be used only:
 - (i) for public lands counsel and assistance and litigation to the state or local governments including asserting, defending, or litigating state and local government rights under R.S. 2477 in accordance with a plan developed and approved as provided in Section 63C-4a-403;
 - (ii) for an action filed in accordance with Section 67-5-29;
 - (iii) to advise the council; or
 - (iv) for asserting, defending, or litigating an issue arising with another state regarding the use or ownership of water;
 - (g) the Office of the Attorney General or any other state or local government entity to bring an action to establish the right of a state or local government officer or employee to enter onto federal land or use a federal road or an R.S. 2477 road, in the officer's or employee's official capacity, to protect the health, safety, or welfare of a citizen of the state; or
 - (h) the Office of Legislative Research and General Counsel, to provide staff support to the commission.
- (4)
 - (a) The council shall require that any entity, other than the commission, that receives money from the account provide financial reports and litigation reports to the council.
 - (b) Nothing in this Subsection (4) prohibits the commission or the council from closing a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the commission or the council from complying with Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 378, 2016 General Session