

**USE OF CONSTITUTIONAL DEFENSE
COUNCIL RESTRICTED ACCOUNT**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Thomas V. Hatch

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

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

AMENDS:

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

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

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

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

- (1) There is created a restricted account within the General Fund known as the Constitutional Defense Restricted Account.
- (2) The account consists of monies from the following revenue sources:
 - (a) monies deposited to the ~~[fund]~~ account from the Mineral Bonus Account as required by Subsection 59-21-2(2);
 - (b) voluntary contributions;
 - (c) monies received by the Constitutional Defense Council from other state agencies; and
 - (d) appropriations made by the Legislature.
- (3) Funds in the account shall be nonlapsing.
- (4)
 - (a) The account shall earn interest.
 - (b) All interest earned on account monies shall be deposited into the General Fund.
- (5) The account balance may not exceed \$1 million.
- (6) (a) The Legislature may annually appropriate monies from the Constitutional Defense Restricted Account to the Constitutional Defense Council to carry out its duties in Section

63C-4-102.

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

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

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

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

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

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

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