

- 26           ▶ establishes a procedure by which the Constitutional Defense Council may respond
- 27 to a federal law;
- 28           ▶ creates a Federalism Subcommittee within the Constitutional Defense Council;
- 29           ▶ requires the Public Lands Policy Coordinating Office to provide staff assistance to
- 30 the Constitutional Defense Council and the Federalism Subcommittee;
- 31           ▶ repeals the distribution from the Land Exchange Distribution Account to the
- 32 Permanent Community Impact Board;
- 33           ▶ increases the distribution from the Land Exchange Distribution Account to the
- 34 Constitutional Defense Restricted Account; ~~H→~~ [and]
- 34a           ▶ authorizes the Constitutional Defense Council chair to approve claims for payments
- 34b to the School and Institutional Trust Lands Administration and the Public Lands Policy
- 34c Coordinating Office; and ~~←H~~

- 35           ▶ makes technical changes.

36 **Money Appropriated in this Bill:**

37 This bill appropriates:

- 38           ▶ to the Constitutional Defense Restricted Account as an ongoing appropriation:
  - 39           • from the Land Exchange Distribution Account, \$1,124,000;
  - 40           ▶ to the Constitutional Defense Council as an ongoing appropriation:
    - 41           • from the Constitutional Defense Restricted Account, ~~H→~~ [~~\$144,000~~] \$638,000 ~~←H~~ ,

41a subject to intent

42 language stating that the appropriation is to be used ~~H→~~ by the Constitutional

42a Defense Council ~~←H~~ to evaluate and respond to

43 federal law ~~H→~~ and approve claims for payment to the School and Institutional Trust Lands

43a Administration and the Public Lands Policy Coordinating Office ~~←H~~ ;

- 44           ▶ to the Civil Division of the Office of the Attorney General as an ongoing
- 45 appropriation:

- 46           • from the Constitutional Defense Restricted Account, \$486,000, subject to intent

47 language stating that the appropriation is to be used to hire three attorneys and

48 one paralegal or legal secretary to advise and work for the Public Lands Policy

49 Coordinating Office and the Constitutional Defense Council;

50 ~~H→~~ [~~→~~ ~~to the Public Lands Policy Coordinating Office as an ongoing appropriation:~~

- 51           • ~~from the Constitutional Defense Restricted Account, \$494,000, subject to intent~~

52 ~~language stating that the appropriation is to be used to hire two persons to assist~~

53 ~~in preparing cases for trial, field staff, litigation expenses, and factual and legal~~

54 ~~studies;]~~ ~~←H~~

- 55           ▶ to the Permanent Community Impact Fund as an ongoing appropriation:

- 56           • from the Mineral Bonus Account, \$1,124,000; and

243 (c) Before calling a meeting, the governor or council members shall solicit items for  
244 the agenda from other members of the council.

245 (d) (i) The [~~Constitutional Defense Council~~] council shall require that any entity that  
246 receives money from the Constitutional Defense Restricted Account provide financial reports  
247 and litigation reports to the council.

248 (ii) Nothing in this Subsection (4)(d) prohibits the council from closing a meeting  
249 under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the council from  
250 complying with Title 63G, Chapter 2, Government Records Access and Management Act.

251 (e) A majority of the voting membership on the [~~defense~~] council is required for a  
252 quorum to conduct council business. A majority vote of the quorum is required for any action  
253 taken by the [~~defense~~] council.

254 (5) (a) The Office of the Attorney General shall advise:

255 (i) the [~~defense~~] council[-]; and

256 (ii) the federalism subcommittee.

257 (b) The Public Lands Policy Coordinating Office shall provide staff assistance for  
258 meetings of the council and federalism subcommittee.

259 (6) A member may not receive compensation or benefits for the member's service, but  
260 may receive per diem and travel expenses in accordance with:

261 (a) Section 63A-3-106;

262 (b) Section 63A-3-107; and

263 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
264 63A-3-107.

265 (7) (a) The council shall be funded from the Constitutional Defense Restricted Account  
266 created in Section 63C-4-103.

267 (b) Money appropriated for or received by the council may be expended by the  
268 governor in consultation with the council.

269 (8) (a) There is created a federalism subcommittee of the council.

270 (b) (i) The subcommittee shall consist of members listed in Subsections (2)(a)(i)  
271 through ~~Ĥ~~→ [(vi)] (vii) ←~~Ĥ~~ .

272 (ii) (A) The governor or the lieutenant governor shall serve as chair of the  
273 subcommittee.

305 local air quality standards and penalties; and

306 (vi) other issues that are relevant to this Subsection (1).

307 (2) The council shall:

308 (a) provide advice to the governor, state planning coordinator, and the public lands

309 policy coordinator concerning coordination of:

310 (i) state and local government rights under R.S. 2477; and

311 (ii) other public lands issues;

312 (b) approve a plan for R.S. 2477 rights developed in accordance with Section

313 63C-4-104; [~~and~~]

314 (c) review, at least quarterly:

315 (i) financial statements concerning implementation of the plan for R.S. 2477 rights;

316 and

317 (ii) financial and other reports from the Public Lands Policy Coordinating Office

318 concerning its activities[~~;~~]; and

319 (d) evaluate and respond to federal law as provided in Section 63C-4-106.

320 (3) The council chair may require the attorney general or a designee to provide

321 testimony on potential legal actions that would enhance the state's sovereignty or authority on

322 issues affecting Utah and the well-being of its citizens.

323 (4) The council chair may direct the attorney general to initiate and prosecute any

324 action that the council determines will further its purposes, including an action described in

325 Section 67-5-29.

326 (5) (a) Subject to the provisions of this section, the council may select and employ

327 attorneys to implement the purposes and duties of the council.

328 (b) The council chair may, in consultation with the council, direct any council attorney

329 in any manner considered appropriate by the attorney general to best serve the purposes of the

330 council.

331 (c) The attorney general shall negotiate a contract for services with any attorney

332 selected and approved for employment under this section.

333 (6) The council chair shall, only with the concurrence of the council, review and

334 approve all claims for payments ~~H→~~ [for] ~~←H~~ :

335 (a) ~~H→~~ for ~~←H~~ legal services that are submitted to the council; ~~H→~~ [~~and~~] ~~←H~~

336 (b) ~~H→~~ for ~~←H~~ an action filed in accordance with Section 67-5-29 ~~H→~~ [-] ;  
 336a (c) by the School and Institutional Trust Lands Administration for legal, scientific, and  
 336b technical costs associated with the council's duty described in Subsection (1)(d); and  
 336c (d) by the Public Lands Policy Coordinating Office for litigation costs associated with  
 336d the council's duties established in this chapter. ~~←H~~

337 (7) Within five business days' notice, the council chair may, with the concurrence of  
 338 the council, order the attorney general or an attorney employed by the council to cease work to  
 339 be charged to the fund.

340 (8) (a) At least 20 calendar days before the state submits comments on the draft  
 341 environmental impact statement or environmental assessment for a proposed land management  
 342 plan of any federal land management agency, the governor shall make those documents  
 343 available to:

344 (i) members of the council; and

345 (ii) any county executive, county council member, or county commissioner of a county  
 346 that is covered by the management plan and that has established formal cooperating agency  
 347 status with the relevant federal land management agency regarding the proposed plan.

348 (b) (i) Council members or local government officials receiving the documents may  
 349 make recommendations to the governor or the governor's designee concerning changes to the  
 350 documents before they are submitted to the federal land management agency.

351 (ii) Council members or local government officials shall submit recommendations to  
 352 the governor or the governor's designee no later than 10 calendar days after receiving the  
 353 documents under Subsection (8)(a).

354 (c) Documents transmitted or received under this Subsection (8) are drafts and are  
 355 protected records pursuant to Subsection 63G-2-305(22).

356 (9) (a) The council shall submit a report on December 1 of each year [to the speaker of  
 357 the House of Representatives and the president of the Senate that summarizes the council's  
 358 activities.] by electronic mail that summarizes the council's activities to each legislator.

359 (b) The council shall submit a report by electronic mail that summarizes action taken in  
 360 accordance with Section 63C-4-106 to the Government Operations Interim Committee on May  
 361 20 and October 20 of each year.

362 Section 6. Section **63C-4-103** is amended to read:

363 **63C-4-103. Creation of Constitutional Defense Restricted Account -- Sources of**  
 364 **funds -- Uses of funds -- Reports.**

365 (1) There is created a restricted account within the General Fund known as the

646 [†] (j) provide staff services to the Snake Valley Aquifer Advisory Council created in  
 647 Section 63C-12-103; and

648 [†] (k) coordinate and direct the Snake Valley Aquifer Research Team created in  
 649 Section 63C-12-107.

650 (2) The coordinator and office shall comply with Subsection 63C-4-102(8) before  
 651 submitting a comment to a federal agency, if the governor would be subject to Subsection  
 652 63C-4-102(8) if the governor were submitting the material.

653 (3) The office may enter into a contract or other agreement with another state agency to  
 654 provide information and services related to:

655 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and  
 656 Classification Act;

657 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and  
 658 Classification Act, or R.S. 2477 matters; or

659 (c) any other matter within the office's responsibility.

660 Section 11. **Appropriation.**

661 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the  
 662 following sums of money are appropriated from resources not otherwise appropriated out of the  
 663 funds or accounts indicated for the fiscal year beginning July 1, 2011 and ending June 30,  
 664 2012. These are additions to amounts previously appropriated for fiscal year 2012.

665 Item 1 To General Fund Restricted - Constitutional Defense Restricted Account

666 <u>From General Fund Restricted - Land Exchange Distribution</u>	<u>\$1,124,000</u>
<u>Account</u>	

667 Schedule of Programs:

668 <u>Constitutional Defense Restricted Account</u>	<u>\$1,124,000</u>
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669 Item 2 To Governor's Office

670 <u>From General Fund Restricted - Constitutional</u>	<del><u>\$144,000</u></del>
<u>Defense</u>	<u>\$638,000</u> <del>←</del>

671 Schedule of Programs:

672 <u>Constitutional Defense Council</u>	<del><u>\$144,000</u></del>	<u>\$638,000</u> <del>←</del>
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673 The Legislature intends that the Constitutional Defense Council use this appropriation

674 to evaluate and respond to federal law ~~H→ [ ]~~ **and satisfy claims of payments by the School and**  
 674a **Institutional Trust Lands Administration and the Public lands Policy Coordination Office as**  
 674b **provided by statute. ←H**

675 Item 3 To Office of Attorney General

676 From General Fund Restricted - Constitutional Defense \$486,000

677 Schedule of Programs:

678 Civil \$486,000

679 The Legislature intends that the Office of Attorney General use this appropriation to  
 680 hire three attorneys and one paralegal or legal secretary to advise and work for the Public Lands  
 681 Policy Coordinating Office and the Constitutional Defense Council.

682 ~~H→~~**Item 4 To Public Lands Policy Coordinating Office**

683 **From General Fund Restricted - Constitutional Defense** **\$494,000**

684 **Schedule of Programs:**

685 **Public Lands Office** **\$494,000**

686 **The Legislature intends that Public Lands Policy Coordination Office use this**  
 687 **appropriation to hire two persons to assist in preparing cases for trial, field staff, litigation**  
 688 **expenses, and factual and legal studies.←H**

689 Item H→ [5] 4 ←H To Permanent Community Impact Fund

690 From General Fund Restricted - Mineral Bonus \$1,124,000

691 Schedule of Programs:

692 Permanent Community Impact Fund \$1,124,000

693 Item H→ [6] 5 ←H To Department of Community and Culture - Community Development  
Capital Budget

694 From Permanent Community Impact Fund \$1,124,000

695 Schedule of Programs:

696 Permanent Community Impact Board \$1,124,000

697 The Legislature intends that this appropriation be used for grants to political  
 698 subdivisions to mitigate the impacts resulting from the development of minerals on federal  
 699 land.

700 Section 12. **Revisor instructions.**