

1 **CONSTITUTIONAL DEFENSE RESTRICTED ACCOUNT**

2 **AMENDMENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Michael E. Noel**

6 Senate Sponsor: David P. Hinkins

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions relating to the Constitutional Defense Restricted Account.

11 **Highlighted Provisions:**

12 This bill:

13 ▸ provides that money appropriated to the Constitutional Defense Restricted Account
14 may be approved for use by the Office of the Attorney General or any other state or
15 local government entity to bring an action to establish the right of a state or local
16 government officer or employee to enter onto federal land or use a federal road or
17 an R.S. 2477 road.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **63C-4a-402**, as renumbered and amended by Laws of Utah 2013, Chapter 101

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

27 Section 1. Section **63C-4a-402** is amended to read:

28 **63C-4a-402. Creation of Constitutional Defense Restricted Account -- Sources of**
29 **funds -- Uses of funds -- Reports.**

- 30 (1) There is created a restricted account within the General Fund known as the
31 Constitutional Defense Restricted Account.
- 32 (2) The account consists of money from the following revenue sources:
- 33 (a) money deposited to the account as required by Section [53C-3-203](#);
- 34 (b) voluntary contributions;
- 35 (c) money received by the council from other state agencies; and
- 36 (d) appropriations made by the Legislature.
- 37 (3) The Legislature may annually appropriate money from the Constitutional Defense
38 Restricted Account to one or more of the following:
- 39 (a) the commission, to fund the commission and for the commission's duties;
- 40 (b) the council, to fund the council and for the council's duties;
- 41 (c) the Public Lands Policy Coordinating Office to carry out its duties in Section
42 [63J-4-603](#);
- 43 (d) the Office of the Governor, to be used only for the purpose of asserting, defending,
44 or litigating:
- 45 (i) an issue arising with another state regarding the use or ownership of water; or
- 46 (ii) state and local government rights under R.S. 2477, in accordance with a plan
47 developed and approved as provided in Section [63C-4a-403](#);
- 48 (e) a county or association of counties to assist counties, consistent with the purposes
49 of the council, in pursuing issues affecting the counties;
- 50 (f) the Office of the Attorney General, to be used only:
- 51 (i) for public lands counsel and assistance and litigation to the state or local
52 governments including asserting, defending, or litigating state and local government rights
53 under R.S. 2477 in accordance with a plan developed and approved as provided in Section
54 [63C-4a-403](#);
- 55 (ii) for an action filed in accordance with Section [67-5-29](#);
- 56 (iii) to advise the council; or
- 57 (iv) for asserting, defending, or litigating an issue arising with another state regarding

58 the use or ownership of water; [~~or~~]

59 (g) the Office of the Attorney General or any other state or local government entity to
60 bring an action to establish the right of a state or local government officer or employee to enter
61 onto federal land or use a federal road or an R.S. 2477 road, in the officer's or employee's
62 official capacity, to protect the health, safety, or welfare of a citizen of the state; or

63 [~~g~~] (h) the Office of Legislative Research and General Counsel, to provide staff
64 support to the commission.

65 (4) (a) The council shall require that any entity, other than the commission, that
66 receives money from the account provide financial reports and litigation reports to the council.

67 (b) Nothing in this Subsection (4) prohibits the commission or the council from closing
68 a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the
69 commission or the council from complying with Title 63G, Chapter 2, Government Records
70 Access and Management Act.