

1                   **JOINT RESOLUTION APPROVING ACCEPTANCE OF**  
2                                   **FEDERAL EDUCATION FUNDS**

3                                   2010 SECOND SPECIAL SESSION

4                                   STATE OF UTAH

5                   **Chief Sponsor: Rebecca D. Lockhart**

6                                   Senate Sponsor: Lyle W. Hillyard

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8                   **LONG TITLE**

9                   **General Description:**

10                   This joint resolution of the Legislature approves acceptance by the state of Utah of  
11                   \$101,303,951 in federal education funds.

12                   **Highlighted Provisions:**

13                   This resolution:

14                   ▶ approves acceptance by the state of Utah of \$101,303,951 in federal funds from  
15                   Public Law 111-226, Sec. 101, Education Jobs Fund.

16                   **Special Clauses:**

17                   None

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19                   *Be it resolved by the Legislature of the state of Utah:*

20                   WHEREAS, Congress passed, and the President signed, Public Law 111-226, Sec. 101,  
21                   Education Jobs Fund;

22                   WHEREAS, under the terms of Public Law 111-226, Sec. 101, the Secretary of the  
23                   United States Department of Education is required to allocate federal education funds to each  
24                   state that has filed an application requesting the federal education funds;

25                   WHEREAS, Governor Herbert, on behalf of the state of Utah, filed an application with  
26                   the United States Department of Education requesting the federal education funds on  
27                   September 7, 2010;

28                   WHEREAS, on September 13, 2010, the Secretary of Education announced that Utah  
29                   would receive \$101,303,951 in federal education funds from the Education Jobs Fund;

30 WHEREAS, the United States Congress and the United States government have  
31 consistently and routinely usurped the role of the states in our federal system;

32 WHEREAS, that usurpation has generally taken the form of the federal government  
33 circumventing state legislatures and the state legislatures' appropriation process by granting  
34 monies directly to the governor, to the state executive branch, or to local government entities;

35 WHEREAS, Public Law 111-226, Sec. 101, continues this circumvention process by  
36 authorizing the United States Secretary of Education to grant federal education jobs funds  
37 directly to other educational entities in the state if the governor fails to apply for the funds;

38 WHEREAS, Section 63J-5-204 of the Utah Code requires that the Legislature approve  
39 a federal fund request within three months of the request if the request would "result in the  
40 state receiving total payments of \$10,000,000 or more per year from the federal government";  
41 and

42 WHEREAS, if the Legislature fails to approve the education jobs federal funds request,  
43 it is anticipated that the United States Secretary of Education will attempt to grant federal  
44 education jobs funds directly to other educational entities in the state in violation of classic  
45 principles of federalism:

46 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
47 approves acceptance by the state of Utah of \$101,303,951 in federal education funds from  
48 Public Law 111-226, Sec. 101, Education Jobs Fund.

49 BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor  
50 Herbert, the members of Utah's Congressional delegation, the presiding officers in the House  
51 and Senate of the state legislatures in Idaho, Wyoming, Colorado, Arizona, Nevada, and  
52 Montana, and the United States Secretary of Education.