

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

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

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.

Legislative Review Note
as of 11-16-10 12:40 PM

Office of Legislative Research and General Counsel

H.J.R. 201 - Joint Resolution Approving Acceptance of Federal Education Funds
Fiscal Note
 2010 Second Special Session
 State of Utah

State Impact

Enactment of this resolution allows the Governor to accept \$101,303,951 in federal funds provided by the Education Jobs Fund grant program. Upon acceptance and distribution, the funds can be spent by public education entities subject to the terms of the federal legislation.

	FY 2010 <u>Approp.</u>	FY 2011 <u>Approp.</u>	FY 2012 <u>Approp.</u>	FY 2010 <u>Revenue</u>	FY 2011 <u>Revenue</u>	FY 2012 <u>Revenue</u>
Federal Funds	\$0	\$101,303,951	\$0	\$0	\$101,303,951	\$0
Total	\$0	\$101,303,951	\$0	\$0	\$101,303,951	\$0

Individual, Business and/or Local Impact

Enactment of this resolution likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local school districts and public charter schools will receive a share of \$101,303,951 based upon the State's basic education formula.