

**Representative David Litvack** proposes the following substitute bill:

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

2010 SECOND SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca D. Lockhart**

Senate Sponsor: Lyle W. Hillyard

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This resolution:

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

**Special Clauses:**

None

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

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

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

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, there is concern about the circumvention of the Utah State Legislature's  
31 appropriation process;

32 WHEREAS, there is concern that Public Law 111-226, Sec. 101 circumvents the Utah  
33 State Legislature's appropriation powers by authorizing the United States Secretary of  
34 Education to grant federal education jobs funds directly to other educational entities in the state  
35 if the governor fails to apply for the funds;

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

39 WHEREAS, the Legislature recognizes the opportunity presented by Public Law  
40 111-226, Sec. 101 to collaborate with the Federal government in meeting critical and currently  
41 unfunded public education needs within the state of Utah;

42 WHEREAS, the Legislature supports local decision making as to where Public Law  
43 111-226, Sec. 101 funds may be best spent at the local level in retaining existing employees,  
44 thereby avoiding the possibility of new or further layoffs, recalling or rehiring former  
45 employees, or hiring new employees to provide early childhood, elementary, or secondary  
46 educational and related services to meet the needs of an ever growing student population; and

47 WHEREAS, if the Legislature fails to approve the education jobs federal funds request,  
48 it is anticipated that the United States Secretary of Education will attempt to grant federal  
49 education jobs funds directly to other educational entities in the state:

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

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

