

1 **RESOLUTION URGING LIMITED USE OF**
2 **SCHOOL AND INSTITUTIONAL TRUST LAND**
3 **PRINCIPAL**

4 2003 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: LaVar Christensen**

7 **This concurrent resolution of the Legislature and the Governor urges Congress to enact**
8 **legislation to allow the state to access up to 5% of the principal balance of the trust fund**
9 **for the same limited education purposes and expenses as are otherwise applicable to**
10 **interest and dividends from the fund as currently provided in the Utah Constitution.**

11 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

12 WHEREAS, more than 20% of Utah's population are under the age of 18 and entitled to
13 a public education under the Utah Constitution;

14 WHEREAS, there is an increasingly urgent need to provide the best education for the
15 children of Utah to the fullest extent possible given all available financial resources;

16 WHEREAS, the great need to educate the children of Utah, the very future of the state,
17 is a responsibility that must be met despite a fluctuating economy and the potential for periodic
18 revenue shortfalls;

19 WHEREAS, Section 10 of the Utah Enabling Act directed that the proceeds of land
20 granted for educational purposes shall constitute a permanent fund, the interest of which only
21 shall be used for the support of the common schools within the state;

22 WHEREAS, on a limited basis as may be reasonably necessary from time to time, the
23 state should have the flexibility and discretion to access a restricted portion of the permanent
24 fund to fund the education of the state's children;

25 WHEREAS, a limit of 5% is a reasonable and necessary restriction which should be
26 placed on the portion of the permanent fund that can be accessed by the state before the fund is
27 reimbursed, and a specific time frame for reimbursement should be stipulated;



28 WHEREAS, the United States Congress should approve this change in the federal law
29 and thereby allow the state greater flexibility to meet the education needs of its schoolchildren;
30 and

31 WHEREAS, the state of Utah should be granted access to this additional resource,
32 within proper restrictions, so that the education of its children will be less vulnerable to the
33 uncertainties associated with present and future economic struggles:

34 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
35 Governor concurring therein, urge the United States Congress to enact legislation to permit the
36 state to access up to 5% of the permanent trust fund for public education in the state of Utah.

37 BE IT FURTHER RESOLVED that the Legislature and the Governor urge the United
38 States Congress to further stipulate that the permanent fund is to be reimbursed by the state
39 within five years and at no time shall the outstanding balance of the total sums drawn from the
40 fund by the state exceed 5% of the fund's then current principal balance.

41 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
42 the United States Senate, the Speaker of the United States House of Representatives, the Utah
43 School and Institutional Trust Lands Administration, and the members of Utah's congressional
44 delegation.

Legislative Review Note
as of 1-28-03 10:42 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HCR005

Resolution Urging Limited Use of School and Institutional Trust Land 03-Feb-03
Principal 3:00 PM

State Impact

The resolution itself has no fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst