

59 duties.

60 (4) (a) As used in this Subsection (4) ~~H~~→ [i] :

60a **(i) "Available Education Fund revenue surplus" means the Education Fund revenue**  
 60b **surplus after the statutory transfers and set-asides described in Section 63J-1-313.**

60c **(ii) ~~H~~ "Education Fund revenue surplus" means the**  
 61 **same as that term is defined in Section 63J-1-313.**

62 (b) Before prioritizing the implementation of a ~~S~~→ future ~~S~~ federal goal, objective,  
 62a program need,

63 or accountability system that does not directly and simultaneously advance a state goal,  
 64 objective, program need, or accountability system, the State Board of Education

64a ~~H~~→ [staff] may ~~H~~ :

65 (i) determine the financial impact of failure to implement the federal goal, objective,  
 66 program need, or accountability system; and

67 (ii) if the State Board of Education determines that failure to implement the federal  
 68 goal, objective, program need, or accountability system may result in a financial loss, request  
 69 that the Legislature mitigate the financial loss.

70 (c) A mitigation requested under Subsection (4)(b)(ii) may include appropriating  
 71 available Education Fund revenue surplus through an appropriations act, including an  
 72 appropriations act passed during a special session called by the governor or a general session.

72a ~~H~~→ **(d) This mitigation option is in addition to and does not restrict or conflict with the state's**  
 72b **authority provided in this part. ~~H~~**

Legislative Review Note  
 Office of Legislative Research and General Counsel