

**HIGHER EDUCATION PERFORMANCE FUNDING**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends and enacts provisions related to performance funding for higher education institutions and applied technology colleges.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ amends the powers and duties of the Utah College of Applied Technology Board of Trustees to include responsibilities related to a model to determine performance;
- ▶ creates a restricted account;
- ▶ requires that, up to a limit, certain individual income tax revenue be deposited in the restricted account;
- ▶ restricts the use of money in the restricted account to performance funding for higher education institutions and applied technology colleges;
- ▶ directs the Legislature to determine appropriations from the restricted account for higher education institutions and applied technology colleges based on performance;
- ▶ requires the State Board of Regents and the Utah College Applied Technology Board of Trustees to:
  - develop models for measuring the performance of higher education institutions and applied technology colleges; and
  - report annually to the Higher Education Appropriations Subcommittee on the



28 performance of higher education institutions and applied technology colleges;

29       ▶ provides that the money in a restricted account described in this bill be nonlapsing;

30 and

31       ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33       None

34 **Other Special Clauses:**

35       None

36 **Utah Code Sections Affected:**

37 AMENDS:

38       **53B-2a-104**, as last amended by Laws of Utah 2016, Chapter 236

39       **53B-7-101**, as last amended by Laws of Utah 2015, Chapter 361

40       **63I-2-253**, as last amended by Laws of Utah 2016, Chapters 128, 229, 236, 271, and

41 318

42       **63J-1-602.2**, as last amended by Laws of Utah 2015, Chapters 86, 93, and 189

43       **63J-1-602.3**, as last amended by Laws of Utah 2016, Chapters 52 and 271

44 ENACTS:

45       **53B-7-701**, Utah Code Annotated 1953

46       **53B-7-702**, Utah Code Annotated 1953

47       **53B-7-703**, Utah Code Annotated 1953

48       **53B-7-704**, Utah Code Annotated 1953

49       **53B-7-705**, Utah Code Annotated 1953

50       **53B-7-706**, Utah Code Annotated 1953

51       **53B-7-707**, Utah Code Annotated 1953

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53 *Be it enacted by the Legislature of the state of Utah:*

54       Section 1. Section **53B-2a-104** is amended to read:

55       **53B-2a-104. Utah College of Applied Technology Board of Trustees -- Powers**  
56 **and duties.**

57       (1) The Utah College of Applied Technology Board of Trustees is vested with the  
58 control, management, and supervision of applied technology colleges within the Utah College

59 of Applied Technology in a manner consistent with the policy and purpose of this title and the  
60 specific powers and responsibilities granted to the board of trustees.

61 (2) The board of trustees shall:

62 (a) ensure that an applied technology college complies with the requirements in Section  
63 [53B-2a-106](#);

64 (b) appoint the commissioner of technical education in accordance with Section  
65 [53B-2a-102](#);

66 (c) advise the commissioner of technical education and the State Board of Regents on  
67 issues related to career and technical education, including articulation with institutions of  
68 higher education and public education;

69 (d) ensure that a secondary student in the public education system has access to career  
70 and technical education through an applied technology college in the secondary student's  
71 service region;

72 (e) in consultation with the State Board of Education, the State Board of Regents, and  
73 applied technology college presidents, develop strategies for providing career and technical  
74 education in rural areas, considering distances between rural career and technical education  
75 providers;

76 (f) receive budget requests from each applied technology college, compile and  
77 prioritize the requests, and submit the request to:

78 (i) the Legislature; and

79 (ii) the Governor's Office of Management and Budget;

80 (g) receive funding requests pertaining to capital facilities and land purchases from  
81 each applied technology college, ensure that the requests comply with Section [53B-2a-112](#),  
82 prioritize the requests, and submit the prioritized requests to the State Building Board;

83 (h) comply with Chapter 7, Part 7, Performance Funding;

84 ~~[(h)]~~ (i) in conjunction with the commissioner of technical education, establish  
85 benchmarks, provide oversight, evaluate program performance, and obtain independent audits  
86 to ensure that an applied technology college follows the non-credit career and technical  
87 education mission described in this part;

88 ~~[(i)]~~ (j) approve programs for the Utah College of Applied Technology;

89 ~~[(j)]~~ (k) approve the tuition rates for applied technology colleges within the Utah

90 College of Applied Technology;

91 ~~[(\*)]~~ (l) prepare and submit an annual report detailing the board of trustees' progress  
 92 and recommendations on career and technical education issues to the governor and to the  
 93 Legislature's Education Interim Committee by October 31 of each year, which shall include  
 94 information detailing:

95 (i) how the career and technical education needs of secondary students are being met,  
 96 including what access secondary students have to programs offered at applied technology  
 97 colleges;

98 (ii) how the emphasis on high demand, high wage, and high skill jobs in business and  
 99 industry described in Section 53B-2a-106 is being provided;

100 (iii) performance outcomes, including:

101 ~~[(A) entered employment;]~~

102 ~~[(B) job retention; and]~~

103 (A) performance on the metrics described in Section 53B-7-707; and

104 ~~[(C)]~~ (B) earnings; and

105 (iv) student tuition and fees; and

106 ~~[(H)]~~ (m) collaborate with the State Board of Regents, the State Board of Education, the  
 107 state system of public education, the state system of higher education, the Department of  
 108 Workforce Services, and the Governor's Office of Economic Development on the delivery of  
 109 career and technical education.

110 (3) The board of trustees, the commissioner of technical education, or an applied  
 111 technology college, president, or board of directors may not conduct a feasibility study or  
 112 perform another act relating to offering a degree or awarding credit.

113 Section 2. Section 53B-7-101 is amended to read:

114 **53B-7-101. Combined requests for appropriations -- Board review of operating**  
 115 **budgets -- Submission of budgets -- Recommendations -- Hearing request --**  
 116 **Appropriation formulas -- Allocations -- Dedicated credits -- Financial affairs.**

117 (1) As used in this section:

118 (a) (i) "Higher education institution" or "institution" means an institution of higher  
 119 education listed in Section 53B-1-102.

120 (ii) "Higher education institution" or "institution" does not include the Utah College of

121 Applied Technology.

122 (b) "Research university" means the University of Utah or Utah State University.

123 (2) (a) The board shall recommend a combined appropriation for the operating budgets  
124 of higher education institutions for inclusion in a state appropriations act.

125 (b) The board's combined budget recommendation shall include:

126 (i) employee compensation;

127 (ii) mandatory costs, including building operations and maintenance, fuel, and power;

128 [~~(iii) mission based funding described in Subsection (3);~~]

129 [~~(iv)~~] (iii) performance funding described in [~~Subsection (4)~~] Part 7, Performance  
130 Funding;

131 [~~(v)~~] (iv) statewide and institutional priorities, including scholarships, financial aid,  
132 and technology infrastructure; and

133 [~~(vi) unfunded historic growth.~~]

134 (v) enrollment growth.

135 (c) The board's recommendations shall be available for presentation to the governor  
136 and to the Legislature at least 30 days prior to the convening of the Legislature, and shall  
137 include schedules showing the recommended amounts for each institution, including separately  
138 funded programs or divisions.

139 (d) The recommended appropriations shall be determined by the board only after it has  
140 reviewed the proposed institutional operating budgets, and has consulted with the various  
141 institutions and board staff in order to make appropriate adjustments.

142 [~~(3) (a) The board shall establish mission based funding.~~]

143 [~~(b) Mission based funding shall include:~~]

144 [~~(i) enrollment growth; and~~]

145 [~~(ii) up to three strategic priorities.~~]

146 [~~(c) The strategic priorities described in Subsection (3)(b)(ii) shall be:~~]

147 [~~(i) approved by the board; and~~]

148 [~~(ii) designed to improve the availability, effectiveness, or quality of higher education~~  
149 ~~in the state.~~]

150 [~~(d) Concurrent with recommending mission based funding, the board shall also~~  
151 ~~recommend to the Legislature ways to address funding any inequities for institutions as~~

152 compared to institutions with similar missions.]

153 [~~(4) (a) The board shall establish performance funding.~~]

154 [~~(b) Performance funding shall include metrics approved by the board, including:~~]

155 [~~(i) degrees and certificates granted;~~]

156 [~~(ii) services provided to traditionally underserved populations;~~]

157 [~~(iii) responsiveness to workforce needs;~~]

158 [~~(iv) institutional efficiency; and~~]

159 [~~(v) for a research university, graduate research metrics.~~]

160 [~~(c) The board shall:~~]

161 [~~(i) award performance funding appropriated by the Legislature to institutions based on~~  
162 ~~the institution's success in meeting the metrics described in Subsection (4)(b); and]~~

163 [~~(ii) reallocate funding that is not awarded to an institution under Subsection (4)(c)(i)~~  
164 ~~for distribution to other institutions that meet the metrics described in Subsection (4)(b).]~~

165 [~~(5)~~] (3) (a) Institutional operating budgets shall be submitted to the board at least 90  
166 days prior to the convening of the Legislature in accordance with procedures established by the  
167 board.

168 (b) Funding requests pertaining to capital facilities and land purchases shall be  
169 submitted in accordance with procedures prescribed by the State Building Board.

170 [~~(6)~~] (4) (a) The budget recommendations of the board shall be accompanied by full  
171 explanations and supporting data.

172 (b) The appropriations recommended by the board shall be made with the dual  
173 objective of:

174 (i) justifying for higher educational institutions appropriations consistent with their  
175 needs, and consistent with the financial ability of the state; and

176 (ii) determining an equitable distribution of funds among the respective institutions in  
177 accordance with the aims and objectives of the statewide master plan for higher education.

178 [~~(7)~~] (5) (a) The board shall request a hearing with the governor on the recommended  
179 appropriations.

180 (b) After the governor delivers his budget message to the Legislature, the board shall  
181 request hearings on the recommended appropriations with the appropriate committees of the  
182 Legislature.

183 (c) If either the total amount of the state appropriations or its allocation among the  
184 institutions as proposed by the Legislature or its committees is substantially different from the  
185 recommendations of the board, the board may request further hearings with the Legislature or  
186 its appropriate committees to reconsider both the total amount and the allocation.

187 ~~[(8)]~~ (6) The board may devise, establish, periodically review, and revise formulas for  
188 its use and for the use of the governor and the committees of the Legislature in making  
189 appropriation recommendations.

190 ~~[(9)]~~ (7) (a) The board shall recommend to each session of the Legislature the  
191 minimum tuitions, resident and nonresident, for each institution which it considers necessary to  
192 implement the budget recommendations.

193 (b) The board may fix the tuition, fees, and charges for each institution at levels it finds  
194 necessary to meet budget requirements.

195 ~~[(10)-(a)]~~ (8) Money allocated to each institution by legislative appropriation may be  
196 budgeted in accordance with institutional work programs approved by the board, provided that  
197 the expenditures funded by appropriations for each institution are kept within the  
198 appropriations for the applicable period.

199 ~~[(b) A president of an institution shall:]~~

200 ~~[(i) establish initiatives for the president's institution each year that are:]~~

201 ~~[(A) aligned with the strategic priorities described in Subsection (3); and]~~

202 ~~[(B) consistent with the institution's mission and role; and]~~

203 ~~[(ii) allocate the institution's mission based funding to the initiatives.]~~

204 ~~[(11)]~~ (9) The dedicated credits, including revenues derived from tuitions, fees, federal  
205 grants, and proceeds from sales received by the institutions are appropriated to the respective  
206 institutions and used in accordance with institutional work programs.

207 ~~[(12)]~~ (10) Each institution may do its own purchasing, issue its own payrolls, and  
208 handle its own financial affairs under the general supervision of the board.

209 ~~[(13)-(a)]~~ (11) If the Legislature appropriates money in accordance with this section, it  
210 shall be distributed to the board and higher education institutions to fund the items described in  
211 Subsection (2)(b).

212 ~~[(b) During each general session of the Legislature following a fiscal year in which the~~  
213 ~~Legislature provides an appropriation for mission based funding or performance funding, the~~

214 ~~board and institutions shall report to the Legislature's Higher Education Appropriations~~  
215 ~~Subcommittee on the use of the previous year's mission based funding and performance~~  
216 ~~funding, including performance outcomes relating to the strategic initiatives approved by the~~  
217 ~~board.]~~

218 Section 3. Section **53B-7-701** is enacted to read:

219 **Part 7. Performance Funding**

220 **53B-7-701. Title.**

221 This part is known as "Performance Funding."

222 Section 4. Section **53B-7-702** is enacted to read:

223 **53B-7-702. Definitions.**

224 As used in this part:

225 (1) "Account" means the Performance Funding Restricted Account created in Section  
226 53B-7-703.

227 (2) "Applied technology college" means the same as that term is defined in Section  
228 53B-2a-101.

229 (3) "Applied technology college graduate" means an individual who:

230 (a) has earned a certificate from an accredited program at an applied technology  
231 college; and

232 (b) is no longer enrolled in the applied technology college.

233 (4) "Full new performance funding amount" means the maximum amount of new  
234 performance funding that a higher education institution or applied technology college may  
235 qualify for in a fiscal year, determined by the Legislature in accordance with Section  
236 53B-7-705.

237 (5) "Full time" means the number of credit hours the board determines is full time  
238 enrollment for a student.

239 (6) "GOED" means the Governor's Office of Economic Development created in  
240 Section 63N-1-201.

241 (7) "Higher education institution" means the same as that term is defined in Section  
242 53B-7-101.

243 (8) "Job" means an occupation determined by the Department of Workforce Services.

244 (9) "Membership hour" means 60 minutes of scheduled instruction provided by an



245 applied technology college to a student enrolled in the applied technology college.

246 (10) "New performance funding" means the difference between the total amount of  
 247 money in the account and the amount of new money appropriated from the account for  
 248 performance funding in the current fiscal year.

249 (11) "Performance" means total performance across the metrics described in:

250 (a) Section 53B-7-706 for a higher education institution; or

251 (b) Section 53B-7-707 for an applied technology college.

252 (12) "Research university" means the University of Utah or Utah State University.

253 (13) "Targeted job" means a job designated by the Department of Workforce Services  
 254 or GOED in accordance with Section 53B-7-704.

255 (14) "Utah College of Applied Technology" means the Utah College of Applied  
 256 Technology described in Chapter 2a, Utah College of Applied Technology.

257 Section 5. Section 53B-7-703 is enacted to read:

258 **53B-7-703. Performance Funding Restricted Account -- Creation-- Deposits into**  
 259 **account-- Legislative review.**

260 (1) There is created within the Education Fund a restricted account known as the  
 261 "Performance Funding Restricted Account."

262 (2) Money in the account shall be:

263 (a) used for performance funding for:

264 (i) higher education institutions; and

265 (ii) applied technology colleges; and

266 (b) appropriated by the Legislature in accordance with Section 53B-7-705.

267 (3) (a) Money in the account shall earn interest.

268 (b) All interest earned on account money shall be deposited into the account.

269 (4) (a) Except as provided in Subsection (4)(b)(ii), for a tax year beginning on or after  
 270 January 1, 2017, the Division of Finance shall deposit into the account an amount equal to 20%  
 271 of the growth in the amount of individual income tax revenue collected in the current tax year  
 272 from targeted jobs that exceeds the average amount collected annually over tax years 2014,  
 273 2015, and 2016 from targeted jobs.

274 (b) (i) As used in this Subsection (4)(b), "total higher education appropriations" means  
 275 the total state funded appropriations for the current fiscal year to:

- 276 (A) the State Board of Regents;  
277 (B) higher education institutions;  
278 (C) the Utah College of Applied Technology; and  
279 (D) applied technology colleges.

280 (ii) For a tax year in which the portion of individual income tax revenue deposited into  
281 the account under Subsection (4)(a) would exceed 10% of total higher education  
282 appropriations, the Division of Finance shall deposit into the account an amount equal to 10%  
283 of total higher education appropriations.

284 (5) Money in the account is nonlapsing.

285 (6) During the interim following a year in which an amount described in Subsection  
286 (4)(b) is deposited into the account, the Higher Education Appropriations Subcommittee shall  
287 review performance funding described in this part and make recommendations to the  
288 Legislature.

289 Section 6. Section **53B-7-704** is enacted to read:

290 **53B-7-704. Designation of targeted jobs.**

291 (1) The Department of Workforce Services shall designate, as a targeted job, a job that:

292 (a) has a base employment level of at least 100 individuals;

293 (b) ranks in the top 20% of jobs for outlook based on:

294 (i) projected number of openings; and

295 (ii) projected rate of growth;

296 (c) ranks in the top 20% of jobs for median annual wage; and

297 (d) requires postsecondary training.

298 (2) The Department of Workforce Services shall designate targeted jobs every other  
299 year.

300 (3) GOED may designate a job that has significant industry importance as a targeted  
301 job after consulting with the Department of Workforce Services and industry representatives.

302 Section 7. Section **53B-7-705** is enacted to read:

303 **53B-7-705. Determination of full new performance funding amount -- Role of**  
304 **appropriations subcommittee -- Legislative review.**

305 (1) In accordance with this section, and based on money deposited into the account, the  
306 Legislature shall, as part of the higher education appropriations budget process, annually

307 determine the full new performance funding amount for each:

308 (a) higher education institution; and

309 (b) applied technology college.

310 (2) The Legislature shall annually allocate:

311 (a) 90% of the money in the account to higher education institutions; and

312 (b) 10% of the money in the account to applied technology colleges.

313 (3) (a) The Legislature shall determine a higher education institution's full new  
314 performance funding amount based on the higher education institution's prior year share of:

315 (i) full time equivalent enrollment in all higher education institutions; and

316 (ii) the total state-funded appropriated budget for all higher education institutions.

317 (b) In determining a higher education institution's full new performance funding  
318 amount, the Legislature shall give equal weight to the factors described in Subsections (3)(a)(i)  
319 and (ii).

320 (4) (a) The Legislature shall determine an applied technology college's full new  
321 performance funding amount based on the applied technology college's prior year share of:

322 (i) membership hours for all applied technology colleges; and

323 (ii) the total state-funded appropriated budget for all applied technology colleges.

324 (b) In determining an applied technology college's full new performance funding  
325 amount, the Legislature shall give equal weight to the factors described in Subsections (4)(a)(i)  
326 and (ii).

327 (5) Annually, at least 30 days before the first day of the legislative general session:

328 (a) the board shall submit a report to the Higher Education Appropriations  
329 Subcommittee on each higher education institution's performance; and

330 (b) the Utah College of Applied Technology Board of Trustees shall submit a report to  
331 the Higher Education Appropriations Subcommittee on each applied technology college's  
332 performance.

333 (6) (a) In accordance with this Subsection (6), and based on the report described in  
334 Subsection (5), the Legislature shall determine for each higher education institution and each  
335 applied technology college:

336 (i) the portion of the full new performance funding amount earned; and

337 (ii) the amount of new performance funding to recommend that the Legislature

338 appropriate, from the account, to the higher education institution or applied technology college.

339 (b) (i) A higher education institution that has a positive change in the higher education  
340 institution's performance of at least 1% compared to the higher education institution's average  
341 performance over the previous five years earns the full new performance funding amount.

342 (ii) (A) Except as provided in Subsection (6)(b)(ii)(B), an applied technology college  
343 earns the full new performance funding amount if the applied technology college has a positive  
344 change in the applied technology college's performance of at least 5% over the applied  
345 technology college's average performance over the previous five years.

346 (B) An applied technology college's change in performance may be measured against  
347 the applied technology college's average performance over fewer than five years in accordance  
348 with Subsection [53B-7-707\(3\)\(b\)](#).

349 (c) A higher education institution or applied technology college that has a positive  
350 change in performance that is less than a change described in Subsection (6)(b) is eligible to  
351 receive a prorated amount of the full new performance funding amount.

352 (d) A higher education institution or applied technology college that has a negative  
353 change, or no change, in performance over the time periods described in Subsection (6)(b) is  
354 not eligible to receive new performance funding.

355 (7) An appropriation described in this section is ongoing.

356 (8) Notwithstanding Section [53B-7-703](#) and Subsections (6) and (7), the Legislature  
357 may, by majority vote, appropriate or refrain from appropriating money for performance  
358 funding as circumstances require in a particular year.

359 Section 8. Section **53B-7-706** is enacted to read:

360 **53B-7-706. Performance metrics for higher education institutions --**

361 **Determination of performance.**

362 (1) The board shall establish a model for determining a higher education institution's  
363 performance.

364 (2) (a) The model described in Subsection (1) shall include metrics, including:

365 (i) completion, measured by degrees and certificates awarded;

366 (ii) services for underserved students, measured by:

367 (A) the number of students receiving federal need-based grant assistance; or

368 (B) a metric determined by the board;

369 (iii) responsiveness to workforce needs, measured by degrees and certificates awarded  
370 in high market demand fields;

371 (iv) institutional efficiency, measured by degrees and certificates awarded per full time  
372 equivalent student; and

373 (v) for a research university, research, measured by total research expenditures.

374 (b) The board shall determine the relative weights of the metrics described in  
375 Subsection (2)(a).

376 (3) For each higher education institution, the board shall annually determine the higher  
377 education institution's:

378 (a) performance; and

379 (b) change in performance compared to the higher education institution's average  
380 performance over the previous five years.

381 Section 9. Section **53B-7-707** is enacted to read:

382 **53B-7-707. Performance metrics for applied technology colleges -- Determination**  
383 **of performance.**

384 (1) The Utah College of Applied Technology Board of Trustees shall establish a model  
385 for determining an applied technology college's performance.

386 (2) (a) The model described in Subsection (1) shall include metrics, including:

387 (i) completions, measured by certificates awarded;

388 (ii) short-term occupational training, measured by completions of:

389 (A) short-term occupational training that takes less than 60 hours to complete; and

390 (B) short-term occupational training that takes at least 60 hours to complete;

391 (iii) secondary completions, measured by:

392 (A) completions of competencies sufficient to be recommended for high school credits;

393 (B) certificates awarded to secondary students; and

394 (C) retention of certificate-seeking high school graduates as certificate-seeking  
395 postsecondary students;

396 (iv) placements, measured by:

397 (A) total placements in related employment, military service, or continuing education;

398 (B) placements for underserved students; and

399 (C) placements from high impact programs; and

400 (v) institutional efficiency, measured by the number of applied technology college  
 401 graduates per 900 membership hours.

402 (b) The Utah College of Applied Technology Board of Trustees shall determine the  
 403 relative weights of the metrics described in Subsection (2)(a).

404 (3) (a) For each applied technology college, the Utah College of Applied Technology  
 405 Board of Trustees shall annually determine the applied technology college's:

406 (i) performance; and

407 (ii) except as provided in Subsection (3)(b), change in performance compared to the  
 408 applied technology college's average performance over the previous five years.

409 (b) For performance during a fiscal year before fiscal year 2020, if comparable  
 410 performance data is not available for the previous five years, the Utah College of Applied  
 411 Technology Board of Trustees may determine an applied technology college's change in  
 412 performance using the average performance over the previous three or four years.

413 Section 10. Section **63I-2-253** is amended to read:

414 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

415 (1) Section **53A-1-403.5** is repealed July 1, 2017.

416 (2) Section **53A-1-411** is repealed July 1, 2017.

417 (3) Section **53A-1-709** is repealed July 1, 2020.

418 (4) Subsection **53A-1a-513(4)** is repealed July 1, 2017.

419 (5) Section **53A-1a-513.5** is repealed July 1, 2017.

420 (6) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.

421 (7) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is  
 422 repealed July 1, 2017.

423 (8) Sections **53A-24-601** and **53A-24-602** are repealed January 1, 2018.

424 (9) (a) Subsections **53B-2a-103(2)** and **(4)** are repealed July 1, 2019.

425 (b) When repealing Subsections **53B-2a-103(2)** and **(4)**, the Office of Legislative  
 426 Research and General Counsel shall, in addition to its authority under Subsection **36-12-12(3)**,  
 427 make necessary changes to subsection numbering and cross references.

428 (10) Subsection **53B-7-705(6)(b)(ii)(B)** is repealed July 1, 2021.

429 (11) Subsection **53B-7-707(3)(b)** is repealed July 1, 2021.

430 ~~(10)~~ (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,

431 is repealed July 1, 2023.

432 Section 11. Section **63J-1-602.2** is amended to read:

433 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**

434 (1) Appropriations from the Technology Development Restricted Account created in  
435 Section [31A-3-104](#).

436 (2) Appropriations from the Criminal Background Check Restricted Account created in  
437 Section [31A-3-105](#).

438 (3) Appropriations from the Captive Insurance Restricted Account created in Section  
439 [31A-3-304](#), except to the extent that Section [31A-3-304](#) makes the money received under that  
440 section free revenue.

441 (4) Appropriations from the Title Licensee Enforcement Restricted Account created in  
442 Section [31A-23a-415](#).

443 (5) Appropriations from the Health Insurance Actuarial Review Restricted Account  
444 created in Section [31A-30-115](#).

445 (6) Appropriations from the Insurance Fraud Investigation Restricted Account created  
446 in Section [31A-31-108](#).

447 (7) Appropriations from the Underage Drinking Prevention Media and Education  
448 Campaign Restricted Account created in Section [32B-2-306](#).

449 (8) Funding for the General Assistance program administered by the Department of  
450 Workforce Services, as provided in Section [35A-3-401](#).

451 (9) The Youth Development Organization Restricted Account created in Section  
452 [35A-8-1903](#).

453 (10) The Youth Character Organization Restricted Account created in Section  
454 [35A-8-2003](#).

455 (11) Money received by the Utah State Office of Rehabilitation for the sale of certain  
456 products or services, as provided in Section [35A-13-202](#).

457 [~~(11)~~] (12) Funding for a new program or agency that is designated as nonlapsing under  
458 Section [36-24-101](#).

459 [~~(12)~~] (13) Appropriations to the Utah National Guard, created in Title 39, Militia and  
460 Armories.

461 [~~(13)~~] (14) Appropriations from the Oil and Gas Conservation Account created in

462 Section [40-6-14.5](#).

463 ~~[(14)]~~ (15) Appropriations from the Electronic Payment Fee Restricted Account  
464 created by Section [41-1a-121](#) to the Motor Vehicle Division.

465 ~~[(15)]~~ (16) Funds available to the Tax Commission under Section [41-1a-1201](#) for the:

466 (a) purchase and distribution of license plates and decals; and

467 (b) administration and enforcement of motor vehicle registration requirements.

468 ~~[(16)]~~ (17) Appropriations from the Motor Vehicle Enforcement Division Temporary  
469 Permit Restricted Account created by Section [41-3-110](#) to the Tax Commission.

470 Section 12. Section [63J-1-602.3](#) is amended to read:

471 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

472 (1) The Utah Law Enforcement Memorial Support Restricted Account created in  
473 Section [53-1-120](#).

474 (2) Funding for the Search and Rescue Financial Assistance Program, as provided in  
475 Section [53-2a-1102](#).

476 (3) Appropriations made to the Division of Emergency Management from the State  
477 Disaster Recovery Restricted Account, as provided in Section [53-2a-603](#).

478 (4) Appropriations made to the Department of Public Safety from the Department of  
479 Public Safety Restricted Account, as provided in Section [53-3-106](#).

480 (5) Appropriations to the Motorcycle Rider Education Program, as provided in Section  
481 [53-3-905](#).

482 (6) Appropriations from the Utah Highway Patrol Aero Bureau Restricted Account  
483 created in Section [53-8-303](#).

484 (7) Appropriations from the DNA Specimen Restricted Account created in Section  
485 [53-10-407](#).

486 (8) The Canine Body Armor Restricted Account created in Section [53-16-201](#).

487 (9) The School Readiness Restricted Account created in Section [53A-1b-104](#).

488 (10) Appropriations to the State Board of Education, as provided in Section  
489 [53A-17a-105](#).

490 ~~[(11) Money received by the Utah State Office of Rehabilitation for the sale of certain  
491 products or services, as provided in Section [35A-13-202](#).]~~

492 ~~[(12)]~~ (11) Certain funds appropriated from the General Fund to the State Board of



- 493 Regents for teacher preparation programs, as provided in Section [53B-6-104](#).
- 494       (12) The Performance Funding Restricted Account created in Section [53B-7-703](#).
- 495       (13) Funding for the Medical Education Program administered by the Medical
- 496 Education Council, as provided in Section [53B-24-202](#).
- 497       (14) A certain portion of money collected for administrative costs under the School
- 498 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 499       (15) Certain surcharges on residential and business telephone numbers imposed by the
- 500 Public Service Commission, as provided in Section [54-8b-10](#).
- 501       (16) Certain fines collected by the Division of Occupational and Professional Licensing
- 502 for violation of unlawful or unprofessional conduct that are used for education and enforcement
- 503 purposes, as provided in Section [58-17b-505](#).
- 504       (17) Certain fines collected by the Division of Occupational and Professional Licensing
- 505 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
- 506 Section [58-63-103](#).
- 507       (18) Appropriations from the Relative Value Study Restricted Account created in
- 508 Section [59-9-105](#).
- 509       (19) The Cigarette Tax Restricted Account created in Section [59-14-204](#).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**