

- 26 ▶ provides for the transition in the membership of the Utah Board of Higher
- 27 Education from the membership of the State Board of Regents and the Utah System
- 28 of Technical Colleges Board of Trustees;
- 29 ▶ creates the positions of associate commissioner for academic education and
- 30 associate commissioner for technical education;
- 31 ▶ repeals provisions related to the commissioner of technical education;
- 32 ▶ amends provisions related to the selection of institution of higher education
- 33 presidents;
- 34 ▶ amends requirements related to an institution of higher education's authority to
- 35 approve a new program of instruction;
- 36 ▶ changes the name of a governing board for a technical college from a technical
- 37 college board of directors to a technical college board of trustees;
- 38 ▶ amends provisions related to the Higher Education Strategic Planning Commission,
- 39 including extending the commission by one year;
- 40 ▶ amends other provisions related to higher education; and
- 41 ▶ makes technical and conforming changes.

42 **Money Appropriated in this Bill:**

43 This bill appropriates in fiscal year 2021:

- 44 ▶ to the Legislature - Office of Legislative Research and General Counsel as a
- 45 one-time appropriation:
 - 46 • from the General Fund \$1,200;
- 47 ▶ to the Legislature - Senate as a one-time appropriation:
 - 48 • from the General Fund \$4,000;
- 49 ▶ to the Legislature - House of Representatives as a one-time appropriation:
 - 50 • from the General Fund \$4,000;
- 51 ▶ to the State Board of Regents - Administration, as an ongoing appropriation:
 - 52 • from the Education Fund, \$4,742,600;
 - 53 • from Revenue Transfers, ~~\$106,300~~ **\$106,200** ~~←\$~~ ;
 - 54 • from Beginning Nonlapsing Balances, \$380,800;
 - 55 • from Closing Nonlapsing Balances, (\$380,800);
- 56 ▶ to the State Board of Regents - Student Assistance, as an ongoing appropriation:

- 57 • from the Education Fund, \$38,400;
- 58 ▶ to the State Board of Regents - Student Support, as an ongoing appropriation:
- 59 • from the Education Fund, ~~\$→ [\$20,190,400]~~ \$18,605,800 ←\$;
- 60 • from Beginning Nonlapsing Balances, ~~\$→ [\$486,100]~~ \$459,900 ←\$;
- 61 • from Closing Nonlapsing Balances, ~~\$→ [(\$486,100)]~~ (\$459,900) ←\$;
- 62 ▶ to the State Board of Regents - Student Support, as a one-time appropriation:
- 63 • from the Education Fund, One-time, \$862,100;
- 64 • from Education Fund Restricted - Performance Funding Restricted Account,
- 65 One-time, \$381,100;
- 66 ▶ to the State Board of Regents - Technology, as an ongoing appropriation:
- 67 • from the Education Fund, (\$7,983,500);
- 68 • from Beginning Nonlapsing Balances, (\$700);
- 69 • from Closing Nonlapsing Balances, \$700;
- 70 ▶ to the State Board of Regents - Technology, as a one-time appropriation:
- 71 • from the Education Fund, One-time, (\$862,100);
- 72 • from Education Fund Restricted - Performance Funding Restricted Account,
- 73 One-time, (\$143,700);
- 74 ▶ to the State Board of Regents - Economic Development, as an ongoing
- 75 appropriation:
- 76 • from the Education Fund, (\$5,386,400);
- 77 • from Beginning Nonlapsing Balances, (\$127,400);
- 78 • from Closing Nonlapsing Balances, \$127,400;
- 79 ▶ to the State Board of Regents - Education Excellence, as an ongoing appropriation:
- 80 • from the Education Fund, (\$935,900);
- 81 • from Education Fund Restricted - Performance Funding Restricted Account,
- 82 (\$143,700);
- 83 • from Revenue Transfers, (\$106,200);
- 84 • from Beginning Nonlapsing Balances, (\$214,000);
- 85 • from Closing Nonlapsing Balances, \$214,000;
- 86 ▶ to the State Board of Regents - Education Excellence, as a one-time appropriation:
- 87 • from Education Fund Restricted - Performance Funding Restricted Account,

2847 (A) is a fully matriculated student enrolled in a degree-granting institution; and
 2848 (B) is not serving as a student body president at the time of the nomination.
 2849 (b) The governor shall select:
 2850 (i) an appointee described in Subsection (4)(a)(i) from among three nominees,
 2851 presented to the governor by ~~§~~ → [a committee consulting of one student from each technical
 2851a college] ← ~~§~~
 2852 a committee consisting of eight students, one from each technical college, each of whom is
 2853 recognized by the student's technical college; and
 2854 (ii) an appointee described in Subsection (4)(a)(ii) from among three nominees
 2855 presented to the governor by the student body presidents of degree-granting institutions.
 2856 ~~[(3)]~~ (5) (a) All appointments to the board shall be made on a nonpartisan basis.
 2857 ~~[(b) In making appointments to the board, the governor shall consider:]~~
 2858 ~~[(i) geographic representation of members;]~~
 2859 ~~[(ii) diversity;]~~
 2860 ~~[(iii) experience in higher education governance;]~~
 2861 ~~[(iv) experience in economic development; and]~~
 2862 ~~[(v) exposure to institutions of higher education.]~~
 2863 ~~[(c)]~~ (b) An individual may not serve simultaneously on the [State Board of Regents]
 2864 board and an institution [of higher education] board of trustees.
 2865 ~~[(4)]~~ (6) (a) (i) Except as provided in Subsection [(4)(b), members of the board]
 2866 (6)(a)(ii) and Section 53B-1-501, members shall be appointed to six-year staggered terms,
 2867 each of which [begin] begins on July 1 of the year of appointment.
 2868 ~~[(b) A student member]~~ (ii) A member described in Subsection (1)[(c)](b) shall be
 2869 appointed to a one-year term.
 2870 (b) (i) A member described in Subsection (1)(a) may serve up to two consecutive full
 2871 terms.
 2872 (ii) The governor may appoint a member described in Subsection (1)(a) to a second
 2873 consecutive full term without a recommendation from the nominating committee.
 2874 (iii) A member described in Subsection (1)(b) may not serve more than one full term.
 2875 (c) (i) The governor may remove a member [of the board] for cause.
 2876 (ii) The governor shall consult with the president of the Senate before removing a
 2877 member [of the board].

11186	<u>Administration</u>	<u>\$4,000</u>
11187	<u>ITEM 3</u>	
11188	<u>To Legislature - House of Representatives</u>	
11189	<u>From General Fund, One-time</u>	<u>\$4,000</u>
11190	<u>Schedule of Programs:</u>	
11191	<u>Administration</u>	<u>\$4,000</u>
11192	<u>The Legislature intends that an appropriation provided under items 1 through 3 be used</u>	
11193	<u>for expenses relating to the Higher Education Strategic Planning Commission, described in</u>	
11194	<u>Title 63C, Chapter 19, Higher Education Strategic Planning Commission.</u>	
11195	<u>STATE BOARD OF REGENTS</u>	
11196	<u>ITEM 4</u>	
11197	<u>To State Board of Regents - Administration</u>	
11198	<u>From Education Fund</u>	<u>\$4,742,600</u>
11199	<u>From Revenue Transfers \$→ [</u>	<u>\$106,300 \$106,200 ←\$</u>
11200	<u>From Beginning Nonlapsing Balances</u>	<u>\$380,800</u>
11201	<u>From Closing Nonlapsing Balances</u>	<u>(\$380,800)</u>
11202	<u>Schedule of Programs:</u>	
11203	<u>Administration</u>	<u>\$4,848,800</u>
11204	<u>The Legislature intends that the Division of Finance rename the "State Board of</u>	
11205	<u>Regents" agency "Utah Board of Higher Education" and the "State Board of Regents -</u>	
11206	<u>Administration" line item "Utah Board of Higher Education – Administration".</u>	
11207	<u>ITEM 5</u>	
11208	<u>To State Board of Regents - Student Assistance</u>	
11209	<u>From Education Fund</u>	<u>\$38,400</u>
11210	<u>Schedule of Programs:</u>	
11211	<u>Engineering Loan Repayment</u>	<u>\$38,400</u>
11212	<u>The Legislature intends that the Division of Finance rename the "State Board of</u>	
11213	<u>Regents -- Student Assistance" line item "Utah Board of Higher Education -- Student</u>	
11214	<u>Assistance".</u>	
11215	<u>ITEM 6</u>	
11216	<u>To State Board of Regents - Student Support</u>	

11217	<u>From Education Fund</u>	→ \$ [20,190,400] 18,605,800 ← \$
11218	<u>From Education Fund, One-time</u>	<u>\$862,100</u>
11219	<u>From Education Fund Restricted - Performance Funding</u>	
11220	<u>Restricted Account, One-time</u>	<u>\$381,100</u>
11221	<u>From Beginning Nonlapsing Balances</u>	→ \$ [-486,100] 459,900 ← \$
11222	<u>From Closing Nonlapsing Balances</u>	→ \$ [-(-486,100)] (-459,900) ← \$
11223	<u>Schedule of Programs:</u>	
11223a	→ \$ <u>Concurrent Enrollment</u>	<u>(\$486,700)</u>
11223b	<u>Articulation Support</u>	<u>(\$301,700) ← \$</u>
11224	<u>Higher Education Technology Initiative</u>	<u>\$5,504,600</u>
11225	<u>Utah Academic Library Consortium</u>	<u>\$3,410,000</u>
11226	<u>Engineering Initiative</u>	<u>\$5,000,000</u>
11227	<u>Math Competency Initiative</u>	<u>\$1,926,200</u>
11228	<u>Performance Funding -- Colleges and</u>	
11229	<u>Universities</u>	<u>\$0</u>
11230	<u>Performance Funding -- Technical</u>	
11231	<u>Colleges</u>	<u>\$237,400</u>
11232	<u>Custom Fit</u>	<u>\$4,559,200</u>
11233	<u>The Legislature intends that the Division of Finance rename the "State Board of</u>	
11234	<u>Regents -- Student Support" line item "Utah Board of Higher Education -- Institutional and</u>	
11235	<u>Student Support".</u>	
11236	<u>ITEM 7</u>	
11237	<u>To State Board of Regents - Technology</u>	
11238	<u>From Education Fund</u>	<u>(\$7,983,500)</u>
11239	<u>From Education Fund, One-time</u>	<u>(\$862,100)</u>
11240	<u>From Education Fund Restricted - Performance Funding</u>	
11241	<u>Restricted Account, One-time</u>	<u>(\$143,700)</u>
11242	<u>From Beginning Nonlapsing Balances</u>	<u>(\$700)</u>
11243	<u>From Closing Nonlapsing Balances</u>	<u>\$700</u>
11244	<u>ITEM 8</u>	
11245	<u>To State Board of Regents - Economic Development</u>	
11246	<u>From Education Fund</u>	<u>(\$5,386,400)</u>
11247	<u>From Beginning Nonlapsing Balances</u>	<u>(\$127,400)</u>

- 11310 (iv) a member of the State Tax Commission;
 11311 (v) a member of the State Board of Education;
 11312 (vi) a member of the Utah Board of Higher Education; or
 11313 (vii) an individual;
 11314 (A) whose appointment requires the advice and consent of the Senate; and
 11315 (B) whom the governor designates as a member of the governor's cabinet.
 11316 (3) The Senate shall hold a confirmation hearing for a nominee for an individual
 11317 described in Subsections (2)(b)(i) through (vii)."

11318 Section 203. **Coordinating S.B. 111 with S.B. 90 -- Substantive and technical**
 11319 **amendment.**

11320 If this S.B. 111 and S.B. 90, Procurement Code Amendments, both pass and become
 11321 law, it is the intent of the Legislature that the Office of Legislative Research and General
 11322 Counsel prepare the Utah Code database for publication as follows:

11323 (1) the amendments to Section 63G-6a-103 in S.B. 90 supersede the amendments to
 11324 Section 63G-6a-103 in S.B. 111;

11325 (2) modify the definition of "Procurement official" in Subsection 63G-6a-103(57)(n) to
 11326 read:

11327 "(n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
 11328 the designee of the Commissioner of Higher Education;";

11329 (3) modify the definition of "Rulemaking authority" in Subsection 63G-6a-103(77)(f)
 11330 to read:

11331 "(f) for a state institution of higher education, the Utah Board of Higher Education;";

11332 (4) (a) delete Subsection 63G-6a-103(77)(g); and

11333 (b) renumber remaining subsections accordingly;

11334 (4) modify Subsection 63G-6a-103(77)(k), which is renumbered to Subsection
 11335 63G-6a-103(77)(j), to read:

11336 "(k) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah
 11337 Board of Higher Education;".

11338 ~~¶→ [Section 204. Coordinating S.B. 111 with S.B. 146 -- Substantive and technical~~
 11339 ~~amendments.~~

11340 ~~————— If this S.B. 111 and S.B. 146, Boards and Commissions Modifications, both pass and~~ ¶←

11341 **Ĥ⇒ [become law, it is the intent of the Legislature that the Office of Legislative Research and**
11342 **General Counsel prepare the Utah Code database for publication by:**
11343 **—— (1) creating a newly enacted Subsection 53B-1-501(4) to read:**
11344 **—— "(4) Notwithstanding Section 67-1-2, for an appointment described in this section:**
11345 **—— (a) a majority of the president of the Senate, the Senate majority leader, and the Senate**
11346 **minority leader may waive the 30-day requirement described in Subsection 67-1-2(1); and**
11347 **—— (b) the Senate is not required to hold a confirmation hearing.";** and
11348 **—— (2) modifying Subsections 67-1-2(2)(b) and (3) amended in S.B. 146 to read:**
11349 **—— "(b) A majority of the president of the Senate, the Senate majority leader, and the**
11350 **Senate minority leader may waive the 30-day requirement described in Subsection (1) for a**
11351 **gubernatorial nominee other than a nominee for the following:**
11352 **—— (i) a member of the State Tax Commission;**
11353 **—— (ii) a member of the State Board of Education;**
11354 **—— (iii) a member of the Utah Board of Higher Education; or**
11355 **—— (iv) a member of a rulemaking board as that term is defined in Section 63G-24-202;**
11356 **—— (3) The Senate shall hold a confirmation hearing for a nominee for an individual**
11357 **described in Subsections (2)(b)(i) through (iv)";**
11358 **—— Section 205. Coordinating S.B. 111 with S.B. 60 and S.B. 146 -- Substantive and**
11359 **technical amendments.**
11360 **—— If this S.B. 111, S.B. 60, Advice and Consent Amendments, and S.B. 146, Boards and**
11361 **Commissions Modifications, all pass and become law, it is the intent of the Legislature that the**
11362 **Office of Legislative Research and General Counsel prepare the Utah Code database for**
11363 **publication by:**
11364 **—— (1) creating a newly enacted Subsection 53B-1-501(4) to read:**
11365 **—— "(4) Notwithstanding Section 67-1-2, for an appointment described in this section:**
11366 **—— (a) a majority of the president of the Senate, the Senate majority leader, and the Senate**
11367 **minority leader may waive the 30-day requirement described in Subsection 67-1-2(1); and**
11368 **—— (b) the Senate is not required to hold a confirmation hearing.";** and
11369 **—— (2) modifying Subsections 67-1-2(2)(b) and (3) amended in S.B. 60 and S.B. 146 to**
11370 **read:**
11371 **—— "(b) A majority of the president of the Senate, the Senate majority leader, and the** ←Ĥ

11372 ~~H→~~ [~~Senate minority leader may waive the 30-day requirement described in Subsection (1) for a~~
 11373 ~~gubernatorial nominee other than a nominee for the following:~~
 11374 ~~—— (i) the executive director of a department;~~
 11375 ~~—— (ii) the executive director of the Governor's Office of Economic Development;~~
 11376 ~~—— (iii) the executive director of the Labor Commission;~~
 11377 ~~—— (iv) a member of the State Tax Commission;~~
 11378 ~~—— (v) a member of the State Board of Education;~~
 11379 ~~—— (vi) a member of the Utah Board of Higher Education;~~
 11380 ~~—— (vii) a member of a rulemaking board as that term is defined in Section 63G-24-202; or~~
 11381 ~~—— (viii) an individual;~~
 11382 ~~—— (A) whose appointment requires the advice and consent of the Senate; and~~
 11383 ~~—— (B) whom the governor designates as a member of the governor's cabinet.~~
 11384 ~~—— (3) The Senate shall hold a confirmation hearing for a nominee for an individual~~
 11385 ~~described in Subsections (2)(b)(i) through (viii).¹¹ ←H~~

11386 Section ~~H→~~ [206] 204 ~~←H~~ . Revisor instructions.

11387 The Legislature intends that the Office of Legislative Research and General Counsel, in
 11388 preparing the Utah Code database for publication, on July 1, 2020, replace "State Board of
 11389 Regents" or "Board of Regents" with "Utah Board of Higher Education" in any new language
 11390 added to the Utah Code by legislation passed during the 2020 General Session, except for the
 11391 references to the "State Board of Regents" enacted in this bill in:

- 11392 (1) Section 53B-1-404; and
 11393 (2) Title 53B, Chapter 1, Part 5, Transition to Utah Board of Higher Education.