

UTAH VALLEY UNIVERSITY
INSTITUTIONAL NAME CHANGE

2007 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill modifies the State System of Higher Education Code by changing the name of Utah Valley State College to Utah Valley University.

Highlighted Provisions:

This bill:

- ▶ changes the name of Utah Valley State College to Utah Valley University effective on July 1, 2008;
- ▶ clarifies the status of the university as a continuation of the college; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$8,000,000 from the General Fund for fiscal year 2007-08 to Utah Valley University.

Other Special Clauses:

32 This bill takes effect on July 1, 2007.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53B-1-102**, as last amended by Chapter 5, Laws of Utah 2001, First Special Session

36 **53B-2-101**, as last amended by Chapters 89 and 227, Laws of Utah 2005

37 **53B-2-104**, as last amended by Chapter 5, Laws of Utah 2001, First Special Session

38 **53B-2a-108**, as last amended by Chapters 233 and 289, Laws of Utah 2003

39 **53B-3-102**, as last amended by Chapter 7, Laws of Utah 2000

40 **53B-7-502**, as enacted by Chapter 103, Laws of Utah 1998

41 **53B-8-101**, as last amended by Chapter 172, Laws of Utah 2003

42 **53B-16-201**, as last amended by Chapter 63, Laws of Utah 1994

43 **63-91-201**, as last amended by Chapter 179, Laws of Utah 2000

44 **76-8-701**, as last amended by Chapter 7, Laws of Utah 2000

45 ENACTS:

46 **53B-2-110**, Utah Code Annotated 1953



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

49 Section 1. Section **53B-1-102** is amended to read:

50 **53B-1-102. State system of higher education.**

51 (1) The state system of higher education consists of the following institutions:

52 (a) State Board of Regents;

53 (b) the University of Utah;

54 (c) Utah State University of Agricultural and Applied Science, hereafter referred to in
55 this title as Utah State University;

56 (d) Weber State University;

57 (e) Southern Utah University;

58 (f) Snow College;

59 (g) Dixie State College of Utah;

- 60 (h) the College of Eastern Utah;
- 61 (i) Utah Valley [~~State College~~] University;
- 62 (j) Salt Lake Community College;
- 63 (k) the Utah College of Applied Technology; and
- 64 (l) other public post-high school educational institutions as the Legislature may
- 65 designate.

66 (2) A change in the name of an institution within the system of higher education shall
67 not be considered a change in the role or mission of the institution, unless otherwise authorized
68 by the State Board of Regents.

69 (3) It is not the intent of the Legislature to increase the number of research universities
70 in the state beyond the University of Utah and Utah State University.

71 (4) These institutions are empowered to sue and be sued and to contract and be
72 contracted with.

73 Section 2. Section **53B-2-101** is amended to read:

74 **53B-2-101. Institutions of higher education -- Corporate bodies -- Powers.**

75 (1) The following institutions of higher education are bodies politic and corporate with
76 perpetual succession and with all rights, immunities, and franchises necessary to function as
77 such:

- 78 (a) the University of Utah;
- 79 (b) Utah State University;
- 80 (c) Weber State University;
- 81 (d) Southern Utah University;
- 82 (e) Snow College;
- 83 (f) Dixie State College of Utah;
- 84 (g) the College of Eastern Utah;
- 85 (h) Utah Valley [~~State College~~] University;
- 86 (i) Salt Lake Community College; and
- 87 (j) the Utah College of Applied Technology.

88 (2) (a) Each institution may have and use a corporate seal and may, subject to Section
89 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the
90 institution requires.

91 (b) Each institution is vested with all the property, franchises, and endowments of, and
92 is subject to, all the contracts, obligations, and liabilities of its respective predecessor.

93 (c) (i) Each institution may enter into business relationships or dealings with private
94 seed or venture capital entities or partnerships consistent with Utah Constitution Article VI,
95 Section 29, Subsection (2).

96 (ii) A business dealing or relationship entered into under Subsection (2)(c)(i) does not
97 preclude the private entity or partnership from participating in or receiving benefits from a
98 venture capital program authorized or sanctioned by the laws of this state, unless otherwise
99 precluded by the specific law that authorizes or sanctions the program.

100 (iii) Subsections (2)(c)(i) and (ii) also apply to the Utah College of Applied
101 Technology created in Title 53B, Chapter 2a, Utah College of Applied Technology.

102 Section 3. Section **53B-2-104** is amended to read:

103 **53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath --**
104 **Officers -- Bylaws -- Quorum -- Committees -- Compensation.**

105 (1) (a) The board of trustees of an institution of higher education consists of the
106 following:

- 107 (i) eight persons appointed by the governor and approved by the Senate; and
- 108 (ii) two ex officio members who are the president of the institution's alumni
109 association, and the president of the associated students of the institution.

110 (b) The appointed members of the boards of trustees for Utah Valley [~~State College~~]
111 University and Salt Lake Community College shall be representative of the interests of
112 business, industry, and labor.

113 (2) (a) The governor shall appoint four members of each board of trustees during each
114 odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

115 (b) An appointed member holds office until a successor is appointed and qualified.

116 (c) The ex officio members serve for the same period as they serve as presidents and
117 until their successors have qualified.

118 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
119 appointed for the unexpired term.

120 (4) (a) Each member shall take the official oath of office prior to assuming the office.

121 (b) The oath shall be filed with the Division of Archives and Records Services.

122 (5) Each board of trustees shall elect a chair and vice chair, who serve for two years
123 and until their successors are elected and qualified.

124 (6) (a) Each board of trustees may enact bylaws for its own government, including
125 provision for regular meetings.

126 (b) (i) The board of trustees may provide for an executive committee in its bylaws.

127 (ii) If established, the committee shall have full authority of the board of trustees to act
128 upon routine matters during the interim between board of trustees meetings.

129 (iii) The committee may act on nonroutine matters only under extraordinary and
130 emergency circumstances.

131 (iv) The committee shall report its activities to the board of trustees at its next regular
132 meeting following the action.

133 (c) Copies of the board of trustees' bylaws shall be filed with the board.

134 (7) A quorum is required to conduct business and consists of six members.

135 (8) A board of trustees may establish advisory committees.

136 (9) (a) (i) Members who are not government employees shall receive no compensation
137 or benefits for their services, but may receive per diem and expenses incurred in the
138 performance of the member's official duties at the rates established by the Division of Finance
139 under Sections 63A-3-106 and 63A-3-107.

140 (ii) Members may decline to receive per diem and expenses for their service.

141 (b) (i) State government officer and employee members who do not receive salary, per
142 diem, or expenses from their agency for their service may receive per diem and expenses
143 incurred in the performance of their official duties from the board at the rates established by the

144 Division of Finance under Sections 63A-3-106 and 63A-3-107.

145 (ii) State government officer and employee members may decline to receive per diem
146 and expenses for their service.

147 (c) (i) Higher education members who do not receive salary, per diem, or expenses
148 from the entity that they represent for their service may receive per diem and expenses incurred
149 in the performance of their official duties from the committee at the rates established by the
150 Division of Finance under Sections 63A-3-106 and 63A-3-107.

151 (ii) Higher education members may decline to receive per diem and expenses for their
152 service.

153 (10) This section does not apply to the Utah College of Applied Technology.

154 Section 4. Section **53B-2-110** is enacted to read:

155 **53B-2-110. Utah Valley University -- Institutional name change.**

156 (1) Beginning July 1, 2008, Utah Valley State College shall be known as Utah Valley
157 University.

158 (2) The university is a continuation of Utah Valley State College and shall:

159 (a) possess all rights, title, privileges, powers, immunities, franchises, endowments,
160 property, and claims of the college; and

161 (b) fulfill and perform all obligations of the college, including obligations relating to
162 outstanding bonds and notes.

163 Section 5. Section **53B-2a-108** is amended to read:

164 **53B-2a-108. Campus boards of directors -- Membership -- Appointments.**

165 Each campus shall have a campus board of directors appointed as follows:

166 (1) the Bridgerland Applied Technology College Campus Board of Directors shall be
167 composed of the following 13 members:

168 (a) one elected local school board member appointed by the board of education for the
169 Box Elder School District;

170 (b) one elected local school board member appointed by the board of education for the
171 Cache School District;

172 (c) one elected local school board member appointed by the board of education for the
173 Logan School District;

174 (d) one elected local school board member appointed by the board of education for the
175 Rich School District;

176 (e) one member of the Utah State University board of trustees;

177 (f) one member of the State Board of Regents designated by the chair of the State
178 Board of Regents to serve a one-year term; and

179 (g) seven representatives of business or industry within the region appointed jointly by
180 the members appointed under Subsections (1)(a) through (f);

181 (2) the Ogden-Weber Applied Technology College Campus Board of Directors shall be
182 composed of the following 11 members:

183 (a) one elected local school board member appointed by the board of education for the
184 Ogden City School District;

185 (b) one elected local school board member appointed by the board of education for the
186 Weber School District;

187 (c) one elected local school board member jointly appointed by the boards of education
188 for the Ogden City School District and the Weber School District;

189 (d) one member of the Weber State University board of trustees;

190 (e) one member of the State Board of Regents designated by the chair of the State
191 Board of Regents to serve a one-year term; and

192 (f) six representatives of business or industry within the region appointed jointly by the
193 members appointed under Subsections (2)(a) through (e);

194 (3) the Davis Applied Technology College Campus Board of Directors shall be
195 composed of the following 11 members:

196 (a) one elected local school board member appointed by the board of education for the
197 Davis School District;

198 (b) one elected local school board member appointed by the board of education for the
199 Morgan School District;

200 (c) one elected local school board member jointly appointed by the boards of education
201 for the Davis School District and the Morgan School District;

202 (d) one member of the Weber State University board of trustees;

203 (e) one member of the State Board of Regents designated by the chair of the State
204 Board of Regents to serve a one-year term; and

205 (f) six representatives of business or industry within the region appointed jointly by the
206 members appointed under Subsections (3)(a) through (e);

207 (4) the Salt Lake/Tooele Applied Technology College Campus Board of Directors shall
208 be composed of the following 15 members:

209 (a) one elected local school board member appointed by the board of education for the
210 Salt Lake City School District;

211 (b) one elected local school board member appointed by the board of education for the
212 Granite School District;

213 (c) one elected local school board member appointed by the board of education for the
214 Jordan School District;

215 (d) one elected local school board member appointed by the board of education for the
216 Murray School District;

217 (e) one elected local school board member appointed by the board of education for the
218 Tooele School District;

219 (f) one member of the Salt Lake Community College board of trustees;

220 (g) one member of the State Board of Regents designated by the chair of the State
221 Board of Regents to serve a one-year term; and

222 (h) eight representatives of business or industry within the region appointed jointly by
223 the members appointed under Subsections (4)(a) through (g);

224 (5) the Mountainland Applied Technology College Campus Board of Directors shall be
225 composed of the following 19 members:

226 (a) one elected local school board member appointed by the board of education for the
227 Alpine School District;

228 (b) one elected local school board member appointed by the board of education for the
229 Nebo School District;

230 (c) one elected local school board member appointed by the board of education for the
231 Provo School District;

232 (d) one elected local school board member appointed by the board of education for the
233 South Summit School District;

234 (e) one elected local school board member appointed by the board of education for the
235 North Summit School District;

236 (f) one elected local school board member appointed by the board of education for the
237 Wasatch School District;

238 (g) one elected local school board member appointed by the board of education for the
239 Park City School District;

240 (h) one member of the Utah Valley [~~State College~~] University board of trustees;

241 (i) one member of the State Board of Regents designated by the chair of the State
242 Board of Regents to serve a one-year term; and

243 (j) ten representatives of business or industry within the region appointed jointly by the
244 members appointed under Subsections (5)(a) through (i);

245 (6) the Uintah Basin Applied Technology College Campus Board of Directors shall be
246 composed of the following 11 members:

247 (a) one elected local school board member appointed by the board of education for the
248 Daggett School District;

249 (b) one elected local school board member appointed by the board of education for the
250 Duchesne School District;

251 (c) one elected local school board member appointed by the board of education for the
252 Uintah School District;

253 (d) one member of the Utah State University board of trustees;

254 (e) one member of the State Board of Regents designated by the chair of the State
255 Board of Regents to serve a one-year term; and

256 (f) six representatives of business or industry within the region appointed jointly by the
257 members appointed under Subsections (6)(a) through (e);

258 (7) the Southwest Applied Technology College Campus Board of Directors shall be
259 composed of the following 13 members:

260 (a) one elected local school board member appointed by the board of education for the
261 Beaver School District;

262 (b) one elected local school board member appointed by the board of education for the
263 Garfield School District;

264 (c) one elected local school board member appointed by the board of education for the
265 Iron School District;

266 (d) one elected local school board member appointed by the board of education for the
267 Kane School District;

268 (e) one member of the Southern Utah University board of trustees;

269 (f) one member of the State Board of Regents designated by the chair of the State
270 Board of Regents to serve a one-year term; and

271 (g) seven representatives of business or industry within the region appointed jointly by
272 the members appointed under Subsections (7)(a) through (f);

273 (8) the Dixie Applied Technology College Campus Board of Directors shall be
274 composed of the following 11 members:

275 (a) three elected local school board members appointed by the board of education for
276 the Washington School District;

277 (b) one member of the Dixie State College of Utah board of trustees;

278 (c) one member of the State Board of Regents designated by the chair of the State
279 Board of Regents to serve a one-year term; and

280 (d) six representatives of business or industry within the region appointed jointly by the
281 members appointed under Subsections (8)(a) through (c);

282 (9) the Southeast Applied Technology College Campus Board of Directors shall be
283 composed of the following 13 members:

284 (a) one elected local school board member appointed by the board of education for the
285 Carbon School District;

286 (b) one elected local school board member appointed by the board of education for the
287 Emery School District;

288 (c) one elected local school board member appointed by the board of education for the
289 Grand School District;

290 (d) one elected local school board member appointed by the board of education for the
291 San Juan School District;

292 (e) one member of the College of Eastern Utah board of trustees;

293 (f) one member of the State Board of Regents designated by the chair of the State
294 Board of Regents to serve a one-year term; and

295 (g) seven representatives of business or industry within the region appointed jointly by
296 the members appointed under Subsections (9)(a) through (f); and

297 (10) the representatives of business or industry shall be appointed jointly by the
298 designated members from a list of names provided by local organizations or associations whose
299 members employ workers with applied technology education.

300 Section 6. Section **53B-3-102** is amended to read:

301 **53B-3-102. "State institution of higher education" defined.**

302 (1) As used in this chapter, "state institution of higher education" means the University
303 of Utah, Utah State University, Southern Utah University, Weber State University, Snow
304 College, Dixie State College of Utah, the College of Eastern Utah, Utah Valley [~~State College~~
305 University], Salt Lake Community College, and any other university or college which may be
306 established and maintained by the state.

307 (2) It includes any branch or affiliated institution and any campus or facilities owned,
308 operated, or controlled by the governing board of the university or college.

309 Section 7. Section **53B-7-502** is amended to read:

310 **53B-7-502. Higher Education Tuition Assistance Program.**

311 (1) There is created the "Utah Higher Education Tuition Assistance Program," hereafter

312 referred to in this part as the program.

313 (2) The board shall administer the program.

314 (3) The program shall be funded through appropriations by the Legislature.

315 (4) Money appropriated for the program shall be available only for matching grants for
316 scholarship endowments to higher education institutions under this part.

317 (5) (a) The board shall adopt rules for administration of the program, in accordance
318 with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

319 (b) The rules shall include the requirements that money appropriated to the program for
320 a specific fiscal year, plus any remaining balance at the end of the preceding fiscal year, shall
321 be allocated to eligible institutions on the following basis:

322 (i) the board shall distribute 50% of the amount available for allocation each fiscal year
323 in equal proportions to:

324 (A) Snow College, main campus and extensions;

325 (B) Dixie College, main campus and extensions;

326 (C) College of Eastern Utah, main campus and extensions;

327 (D) College of Eastern Utah, San Juan Campus and extensions;

328 (E) Utah Valley [~~State College~~] University, main campus and extensions;

329 (F) Salt Lake Community College, Taylorsville campus and extensions; and

330 (G) Salt Lake Community College, South City Campus; and

331 (ii) the board shall distribute 50% of the amount available for allocation each fiscal
332 year to the Utah State University for its instructional centers at Roosevelt, Blanding, Randolph,
333 Price, Moab, Brigham City, Tooele, Richfield, and Ephraim, and other centers as may be
334 determined by the board.

335 (6) Higher education institutions may submit proposals to the board, for specific
336 eligible entities, for one-to-one matching grants for endowment of scholarship programs for
337 students with demonstrated financial need, determined by criteria established by the board.

338 (7) An institution may submit a proposal under Subsection (6) only when it has raised,
339 from nonappropriated sources other than federal funds or reimbursed overhead funds, the

340 one-to-one match for the amount of program moneys requested in the proposal.

341 (8) Money allocated for a specific eligible entity from a specific fiscal year
342 appropriation shall remain in reserve for proposals for the specific eligible entity for a period of
343 three fiscal years, and any money reserved for which the institution does not submit an eligible
344 proposal by the end of the three-year period shall be returned to the pool of program money
345 available for allocation for the following fiscal year.

346 (9) (a) An institution shall provide that, if grant money is received from the program,
347 the institution shall establish a specific restricted college endowment fund, separate and distinct
348 from any foundation funds, for scholarships for students with demonstrated financial need, who
349 are enrolled at the specific eligible entity covered by the proposal, in accordance with board
350 rules adopted for the program.

351 (b) Money in the college endowment funds shall be invested in compliance with rules
352 of the State Money Management Council applicable to gift funds.

353 (c) Principle of the institutional endowment funds established under the program may
354 not be expended and up to 50% of the money earned on principle in the endowment funds in a
355 fiscal year may be retained and capitalized as endowment principle, but at least 50% of the
356 money shall be used for scholarships for students with demonstrated financial need in the
357 following fiscal year.

358 Section 8. Section **53B-8-101** is amended to read:

359 **53B-8-101. Waiver of tuition.**

360 (1) (a) The president of each institution may waive all or part of the tuition in behalf of
361 meritorious or impecunious resident students to an amount not exceeding 10% of the total
362 amount of tuition which, in the absence of the waivers, would have been collected from all
363 Utah resident students at the institution.

364 (b) Two and a half percent of the waivers designated in Subsection (1)(a) shall be set
365 aside for members of the Utah National Guard. Waivers shall be preserved by the student at
366 least 60 days before the beginning of an academic term.

367 (2) (a) Each academic year the president of each of the following institutions may

368 waive all or part of the resident portion of the tuition in behalf of the additional number of
369 meritorious nonresident students set forth below who are not current recipients of the waiver:

370		Number of Nonresident
371	Institution	Students
372	the University of Utah	190
373	Utah State University	165
374	Weber State University	135
375	Southern Utah University	68
376	Snow College	18
377	Dixie State College of Utah	30
378	the College of Eastern Utah	18
379	Utah Valley [State College] <u>University</u>	114
380	Salt Lake Community College	43

381 (b) (i) The president may continue to waive the resident portion of the tuition during
382 the entire time the affected meritorious nonresident student remains an undergraduate student
383 in good standing at the institution.

384 (ii) The resident portion of the tuition for each nonresident student is equal to the
385 tuition for resident students at the institution.

386 (c) The president may waive the nonresident portion of tuition for a meritorious
387 nonresident student receiving a waiver under Subsection (2)(a) after completion of the student's
388 first year of full-time study at the institution.

389 (d) (i) In addition to the waivers authorized by Subsections (2)(a) and (c), the president
390 may waive all or part of the nonresident portion of tuition for a meritorious nonresident student
391 during the student's first year of full-time study at the institution.

392 (ii) The number of these nonresident waivers for each institution is limited to the
393 percentage of nonresident students at each institution times the nonresident student number
394 allowed under Subsection (2)(a).

395 (3) Upon recommendation of the board, the president may grant additional full or

396 partial tuition waivers to encourage students to enroll for instruction in occupations critical to
397 the state for which trained personnel are in short supply.

398 (4) The president may waive all or part of the difference between resident and
399 nonresident tuition in the case of meritorious graduate students and nonresident summer school
400 students.

401 (5) The board shall submit annual budget appropriation requests for each institution
402 which include requests for funds sufficient in amount to equal the estimated loss of dedicated
403 credits that would be realized if all of the tuition waivers authorized by Subsection (2) were
404 granted.

405 Section 9. Section **53B-16-201** is amended to read:

406 **53B-16-201. Degrees and certificates that may be conferred.**

407 (1) Utah Valley [~~State College~~] University and Salt Lake Community College may
408 confer certificates of completion and degrees as determined by the State Board of Regents.

409 (2) The board shall develop evaluative criteria as a means of carefully monitoring the
410 impact of degree programs on the vocational mission of the colleges.

411 Section 10. Section **63-91-201** is amended to read:

412 **63-91-201. Internal auditing programs -- State agencies.**

413 (1) (a) The Departments of Administrative Services, Agriculture, Commerce,
414 Community and Culture, Corrections, Workforce Services, Environmental Quality, Health,
415 Human Services, Natural Resources, Public Safety, and Transportation; and the State Tax
416 Commission shall conduct various types of auditing procedures as determined by the agency
417 head or governor.

418 (b) The governor may, by executive order, require other state agencies to establish an
419 internal audit program.

420 (c) An agency head may establish an internal audit program for his agency if the
421 agency administers programs that:

422 (i) might pose a high liability risk to the state; or

423 (ii) are essential to the health, safety, and welfare of the citizens of Utah.

424 (2) (a) The Office of the Court Administrator shall conduct various types of auditing
425 procedures as determined by the Judicial Council, including auditing procedures for courts not
426 of record.

427 (b) The Judicial Council may, by rule, require other judicial agencies to establish an
428 internal audit program.

429 (c) An agency head within the judicial branch may establish an internal audit program
430 for his agency if the agency administers programs that:

431 (i) might pose a high liability risk to the state; or

432 (ii) are essential to the health, safety, and welfare of the citizens of Utah.

433 (3) (a) The University of Utah, Utah State University, Salt Lake Community College,
434 Utah Valley [~~State College~~] University, and Weber State University shall conduct various types
435 of auditing procedures as determined by the Board of Regents.

436 (b) The Board of Regents may issue policies requiring other higher education entities
437 or programs to establish an internal audit program.

438 (c) An agency head within higher education may establish an internal audit program for
439 his agency if the agency administers programs that:

440 (i) might pose a high liability risk to the state; or

441 (ii) are essential to the health, safety, and welfare of the citizens of Utah.

442 (4) The State Office of Education shall conduct various types of auditing procedures as
443 determined by the State Board of Education.

444 Section 11. Section **76-8-701** is amended to read:

445 **76-8-701. Definitions.**

446 For the purposes of this part:

447 (1) "Chief administrative officer" means the president of a private or state institution of
448 higher education or the officer designated by the president or by the governing board of the
449 institution to administer the affairs of a campus or other facility owned by the institution or
450 operated or controlled by the governing board of the institution.

451 (2) "School" or "institution of higher education" means any private institution of higher

452 education or any state institution of higher education as defined in Section 53B-1-102.

453 (3) "State institution of higher education" includes the University of Utah, Utah State
454 University, Southern Utah University, Weber State University, Snow College, Dixie State
455 College of Utah, the College of Eastern Utah, Utah Valley [~~State College~~] University, Salt
456 Lake Community College, and any other university or college which may be established and
457 maintained by the state, and includes any branch or affiliated institution and any campus or
458 facility owned, operated, or controlled by the governing board of the university or college.

459 **Section 12. Appropriation.**

460 (1) As an ongoing appropriation subject to future budget constraints, there is
461 appropriated from the General Fund for fiscal year 2007-08, \$8,000,000 to Utah Valley
462 University.

463 (2) It is the intent of the Legislature that the appropriation under Subsection (1) shall be
464 used to fund improvements at Utah Valley University consistent with its change in institutional
465 name and mission status, including increasing the number of full-time faculty members,
466 establishing graduate programs, and enhancing student services.

467 **Section 13. Effective date.**

468 This bill takes effect on July 1, 2007.