

**Representative Don L. Ipson** proposes the following substitute bill:

**DIXIE STATE COLLEGE - UNIVERSITY STATUS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Don L. Ipson**

Senate Sponsor: Stephen H. Urquhart

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ changes the name of Dixie State College of Utah to Dixie State University;
- ▶ establishes the status of the university as a continuation of the college; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

AMENDS:

**53A-1a-501.3**, as last amended by Laws of Utah 2010, Chapter 353 and last amended by Coordination Clause, Laws of Utah 2010, Chapter 353

**53B-1-102**, as last amended by Laws of Utah 2010, Chapter 211

**53B-2-101**, as last amended by Laws of Utah 2010, Chapter 211



- 26           **53B-2a-108**, as last amended by Laws of Utah 2009, Chapter 346
- 27           **53B-3-102**, as last amended by Laws of Utah 2010, Chapter 211
- 28           **53B-8-101**, as last amended by Laws of Utah 2010, Chapter 211
- 29           **53B-8-103**, as last amended by Laws of Utah 2009, Chapter 363
- 30           **53B-16-501**, as enacted by Laws of Utah 2010, Chapter 147
- 31           **76-8-701**, as last amended by Laws of Utah 2010, Chapter 211

32 ENACTS:

33           **53B-2-111**, Utah Code Annotated 1953



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

36           Section 1. Section **53A-1a-501.3** is amended to read:

37           **53A-1a-501.3. Definitions.**

38           As used in this part:

39           (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and  
40 includes:

- 41           (a) cash;
- 42           (b) stock or other investments;
- 43           (c) real property;
- 44           (d) equipment and supplies;
- 45           (e) an ownership interest;
- 46           (f) a license;
- 47           (g) a cause of action; and
- 48           (h) any similar property.

49           (2) "Board of trustees of a higher education institution" or "board of trustees" means:

- 50           (a) the board of trustees of:
  - 51           (i) the University of Utah;
  - 52           (ii) Utah State University;
  - 53           (iii) Weber State University;
  - 54           (iv) Southern Utah University;
  - 55           (v) Snow College;
  - 56           (vi) Dixie State [~~College of Utah~~] University;

- 57 (vii) Utah Valley University; or
- 58 (viii) Salt Lake Community College; or
- 59 (b) the campus board of directors of a college campus within the Utah College of
- 60 Applied Technology.

61 (3) "Chartering entity" means the entity that authorizes the establishment of a charter

62 school.

63 Section 2. Section **53B-1-102** is amended to read:

64 **53B-1-102. State system of higher education.**

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

- 66 (a) State Board of Regents;
- 67 (b) the University of Utah;
- 68 (c) Utah State University;
- 69 (d) Weber State University;
- 70 (e) Southern Utah University;
- 71 (f) Snow College;
- 72 (g) Dixie State [~~College of Utah~~] University;
- 73 (h) Utah Valley University;
- 74 (i) Salt Lake Community College;
- 75 (j) the Utah College of Applied Technology; and
- 76 (k) other public post-high school educational institutions as the Legislature may
- 77 designate.

78 (2) A change in the name of an institution within the system of higher education shall

79 not be considered a change in the role or mission of the institution, unless otherwise authorized

80 by the State Board of Regents.

81 (3) It is not the intent of the Legislature to increase the number of research universities

82 in the state beyond the University of Utah and Utah State University.

83 (4) These institutions are empowered to sue and be sued and to contract and be

84 contracted with.

85 Section 3. Section **53B-2-101** is amended to read:

86 **53B-2-101. Institutions of higher education -- Corporate bodies -- Powers.**

87 (1) The following institutions of higher education are bodies politic and corporate with

88 perpetual succession and with all rights, immunities, and franchises necessary to function as  
89 such:

- 90 (a) the University of Utah;
- 91 (b) Utah State University;
- 92 (c) Weber State University;
- 93 (d) Southern Utah University;
- 94 (e) Snow College;
- 95 (f) Dixie State [~~College of Utah~~] University;
- 96 (g) Utah Valley University;
- 97 (h) Salt Lake Community College; and
- 98 (i) the Utah College of Applied Technology.

99 (2) (a) Each institution may have and use a corporate seal and may, subject to Section  
100 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the  
101 institution requires.

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

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

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

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

113 Section 4. Section **53B-2-111** is enacted to read:

114 **53B-2-111. Dixie State University -- Institutional name change.**

115 (1) Dixie State College of Utah shall be known as Dixie State University.

116 (2) Dixie State University is a continuation of Dixie State College of Utah and shall:

117 (a) possess all rights, titles, privileges, powers, immunities, franchises, endowments,  
118 property, and claims of Dixie State College of Utah; and

119           (b) fulfill and perform all obligations of Dixie State College of Utah, including  
120 obligations relating to outstanding bonds and notes.

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

122           **53B-2a-108. Campus boards of directors -- Membership -- Appointments.**

123           A campus shall have a campus board of directors appointed as follows:

124           (1) the Bridgerland Applied Technology College Campus Board of Directors shall be  
125 composed of the following 12 members:

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

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

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

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

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

135           (f) seven representatives of business or industry employers within the region appointed  
136 jointly by the members appointed under Subsections (1)(a) through (e);

137           (2) the Ogden-Weber Applied Technology College Campus Board of Directors shall be  
138 composed of the following 10 members:

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

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

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

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

146           (e) six representatives of business or industry employers within the region appointed  
147 jointly by the members appointed under Subsections (2)(a) through (d);

148           (3) the Davis Applied Technology College Campus Board of Directors shall be  
149 composed of the following 10 members:

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

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

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

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

157 (e) six representatives of business or industry employers within the region appointed  
158 jointly by the members appointed under Subsections (3)(a) through (d); [~~and~~]

159 (4) the Tooele Applied Technology College Campus Board of Directors shall be  
160 composed of the following 12 members:

161 (a) three elected local school board members appointed by the board of education for  
162 the Tooele County School District;

163 (b) one member of the Salt Lake Community College board of trustees;

164 (c) one member of the Utah State University board of trustees; and

165 (d) seven representatives of business or industry employers within the region appointed  
166 jointly by the members appointed under Subsections (4)(a) through (c);

167 (5) the Mountainland Applied Technology College Campus Board of Directors shall be  
168 composed of the following 18 members:

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

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

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

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

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

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

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

183 (h) one member of the Utah Valley University board of trustees; and

184 (i) 10 representatives of business or industry employers within the region appointed  
185 jointly by the members appointed under Subsections (5)(a) through (h); [~~and~~]

186 (6) the Uintah Basin Applied Technology College Campus Board of Directors shall be  
187 composed of the following 10 members:

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

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

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

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

195 (e) six representatives of business or industry employers within the region appointed  
196 jointly by the members appointed under Subsections (6)(a) through (d);

197 (7) the Southwest Applied Technology College Campus Board of Directors shall be  
198 composed of the following 12 members:

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

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

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

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

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

208 (f) seven representatives of business or industry employers within the region appointed  
209 jointly by the members appointed under Subsections (7)(a) through (e);

210 (8) the Dixie Applied Technology College Campus Board of Directors shall be  
211 composed of the following 10 members:

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

214 (b) one member of the Dixie State [~~College of Utah~~] University board of trustees; and

215 (c) six representatives of business or industry employers within the region appointed  
216 jointly by the members appointed under Subsections (8)(a) through (b); and

217 (9) the representatives of business or industry employers shall be:

218 (a) appointed jointly by the designated members from a list of names provided by local  
219 organizations or associations whose members employ workers with career and technical  
220 education;

221 (b) individuals recognized for their knowledge and expertise;

222 (c) individuals who represent current and emerging business and industry sectors of the  
223 state; and

224 (d) appointed on a nonpartisan basis.

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

226 **53B-3-102. State institution of higher education defined.**

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

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

234 Section 7. Section **53B-8-101** is amended to read:

235 **53B-8-101. Waiver of tuition.**

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

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

243 (2) (a) Each academic year the president of each of the following institutions may  
244 waive all or part of the resident portion of the tuition in behalf of the additional number of  
245 meritorious nonresident students set forth below who are not current recipients of the waiver:

246 (i) the University of Utah president may grant up to 190 waivers;

247 (ii) the Utah State University president may grant up to 183 waivers, 18 of which shall  
248 be awarded to students at Utah State University-College of Eastern Utah;

249 (iii) the Weber State University president may grant up to 135 waivers;

250 (iv) the Southern Utah University president may grant up to 68 waivers;

251 (v) the Snow College president may grant up to 18 waivers;

252 (vi) the Dixie State [~~College of Utah~~] University president may grant up to 30 waivers;

253 (vii) the Utah Valley University president may grant up to 114 waivers; and

254 (viii) the Salt Lake Community College president may grant up to 43 waivers.

255 (b) (i) A president may continue to waive the resident portion of the tuition during the  
256 entire time the affected meritorious nonresident student remains an undergraduate student in  
257 good standing at the institution.

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

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

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

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

269 (3) Upon recommendation of the board, a president may grant additional full or partial  
270 tuition waivers to encourage students to enroll for instruction in occupations critical to the state  
271 for which trained personnel are in short supply.

272 (4) A president may waive all or part of the difference between resident and  
273 nonresident tuition in the case of meritorious graduate students and nonresident summer school

274 students.

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

279 Section 8. Section **53B-8-103** is amended to read:

280 **53B-8-103. Waiver of nonresident differential in tuition rates -- Dixie State**  
281 **University good neighbor tuition waivers.**

282 (1) Notwithstanding any other provision of law:

283 (a) (i) The board may determine when to grant a full or partial waiver of the  
284 nonresident differential in tuition rates charged to undergraduate students pursuant to reciprocal  
285 agreements with other states.

286 (ii) In making the determination described under Subsection (1)(a)(i), the board shall  
287 consider the potential of the waiver to:

288 (A) enhance educational opportunities for Utah residents;

289 (B) promote mutually beneficial cooperation and development of Utah communities  
290 and nearby communities in neighboring states;

291 (C) contribute to the quality of educational programs; and

292 (D) assist in maintaining the cost effectiveness of auxiliary operations in Utah  
293 institutions of higher education.

294 (b) (i) Consistent with its determinations made pursuant to Subsection (1)(a), the board  
295 may enter into agreements with other states to provide for a full or partial reciprocal waiver of  
296 the nonresident tuition differential charged to undergraduate students.

297 (ii) An agreement shall provide for the numbers and identifying criteria of  
298 undergraduate students, and shall specify the institutions of higher education that will be  
299 affected by the agreement.

300 (c) The board shall establish policy guidelines for the administration by the affected  
301 Utah institutions of any tuition waivers authorized under this section, for evaluating applicants  
302 for such waivers, and for reporting the results of the reciprocal waiver programs authorized by  
303 this section.

304 (d) A report and financial analysis of any waivers of tuition authorized under this

305 section shall be submitted annually to the general session of the Legislature as part of the  
306 budget recommendations of the board for the system of higher education.

307 (2) (a) Dixie State [~~College of Utah~~] University may offer a good neighbor full waiver  
308 of the nonresident differential in tuition rates charged to undergraduate students:

309 (i) pursuant to reciprocal agreements with other states; or

310 (ii) to a resident of a county that has a portion of the county located within 70 miles of  
311 the main campus of Dixie State [~~College of Utah~~] University.

312 (b) (i) A student who attends Dixie State [~~College of Utah~~] University under a good  
313 neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident  
314 tuition and fees of Dixie State [~~College of Utah~~] University.

315 (ii) The surcharge per credit hour shall be based on a percentage of the approved  
316 resident tuition per credit hour each academic year.

317 (iii) The percentage assessed as a surcharge per credit hour may not be less than 70%  
318 of resident tuition per credit hour.

319 (c) Dixie State [~~College of Utah~~] University may restrict the number of good neighbor  
320 tuition waivers awarded.

321 (d) A student who attends Dixie State [~~College of Utah~~] University on a good neighbor  
322 tuition waiver may not count the time during which the waiver is received towards establishing  
323 resident student status in Utah.

324 Section 9. Section **53B-16-501** is amended to read:

325 **53B-16-501. Nonprofit corporations or foundations -- Purpose.**

326 (1) Dixie State [~~College of Utah~~] University may form a nonprofit corporation or  
327 foundation controlled by the president of the college and the Board of Regents to aid and assist  
328 the college in attaining its charitable, communications, and other related educational objectives,  
329 including support for the Center for Media Innovation, film festivals, film production, print  
330 media, broadcasting, television, and digital media.

331 (2) The nonprofit corporation or foundation may receive and administer legislative  
332 appropriations, government grants, contracts, and private gifts to carry out its public purposes.

333 Section 10. Section **76-8-701** is amended to read:

334 **76-8-701. Definitions.**

335 For the purposes of this part:

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

340 (2) "School" or "institution of higher education" means any private institution of higher  
341 education or any state institution of higher education as defined in Section 53B-1-102.

342 (3) "State institution of higher education" includes the University of Utah, Utah State  
343 University, Southern Utah University, Weber State University, Snow College, Dixie State  
344 [~~College of Utah~~] University, Utah Valley University, Salt Lake Community College, and any  
345 other university or college which may be established and maintained by the state, and includes  
346 any branch or affiliated institution and any campus or facility owned, operated, or controlled by  
347 the governing board of the university or college.

348 Section 11. **Effective date.**

349 If approved by two-thirds of all the members elected to each house, this bill takes effect  
350 upon approval by the governor, or the day following the constitutional time limit of Utah  
351 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
352 the date of veto override.