

Chapter 2 Institutions of Higher Education

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

- (1) The following institutions of higher education are bodies politic and corporate with perpetual succession and with all rights, immunities, and franchises necessary to function as such:
- (a) the University of Utah;
 - (b) Utah State University;
 - (c) Weber State University;
 - (d) Southern Utah University;
 - (e) Snow College;
 - (f) Dixie State University;
 - (g) Utah Valley University;
 - (h) Salt Lake Community College; and
 - (i) the Utah College of Applied Technology.
- (2)
- (a) Each institution may have and use a corporate seal and may, subject to Section 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the institution requires.
 - (b) Each institution is vested with all the property, franchises, and endowments of, and is subject to, all the contracts, obligations, and liabilities of its respective predecessor.
 - (c)
 - (i) Each institution may enter into business relationships or dealings with private seed or venture capital entities or partnerships consistent with Utah Constitution Article VI, Section 29, Subsection (2).
 - (ii) A business dealing or relationship entered into under Subsection (2)(c)(i) does not preclude the private entity or partnership from participating in or receiving benefits from a venture capital program authorized or sanctioned by the laws of this state, unless otherwise precluded by the specific law that authorizes or sanctions the program.
 - (iii) Subsections (2)(c)(i) and (ii) also apply to the Utah College of Applied Technology created in Title 53B, Chapter 2a, Utah College of Applied Technology.

Amended by Chapter 10, 2013 General Session

53B-2-102 Board to appoint president for each institution.

The board, after consulting with the institution's board of trustees, appoints a president for each institution in the state system of higher education who serves at its pleasure and at such salary as it may determine.

Amended by Chapter 58, 1991 General Session

53B-2-103 Boards of trustees -- Powers and duties.

- (1) Each college and university has a board of trustees which may act in behalf of its institution in performing duties, responsibilities, and functions as may be specifically authorized to the board of trustees by the State Board of Regents.
- (2) A board of trustees has the following powers and duties:
- (a) facilitates communication between the institution and the community;

- (b) assists in planning, implementing, and executing fund raising and development projects aimed at supplementing institutional appropriations;
- (c) perpetuates and strengthens alumni and community identification with the institution's tradition and goals; and
- (d) selects recipients of honorary degrees.

Amended by Chapter 58, 1991 General Session

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

- (1)
 - (a) The board of trustees of an institution of higher education consists of the following:
 - (i) except as provided in Subsection 53B-18-1201(3)(b), eight persons appointed by the governor and approved by the Senate; and
 - (ii) two ex officio members who are the president of the institution's alumni association, and the president of the associated students of the institution.
 - (b) The appointed members of the boards of trustees for Utah Valley University and Salt Lake Community College shall be representative of the interests of business, industry, and labor.
- (2)
 - (a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.
 - (b) An appointed member holds office until a successor is appointed and qualified.
 - (c) The ex officio members serve for the same period as they serve as presidents and until their successors have qualified.
- (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (4)
 - (a) Each member shall take the official oath of office prior to assuming the office.
 - (b) The oath shall be filed with the Division of Archives and Records Services.
- (5) Each board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.
- (6)
 - (a) Each board of trustees may enact bylaws for its own government, including provision for regular meetings.
 - (b)
 - (i) The board of trustees may provide for an executive committee in its bylaws.
 - (ii) If established, the committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.
 - (iii) The committee may act on nonroutine matters only under extraordinary and emergency circumstances.
 - (iv) The committee shall report its activities to the board of trustees at its next regular meeting following the action.
 - (c) Copies of the board of trustees' bylaws shall be filed with the board.
- (7) A quorum is required to conduct business and consists of six members.
- (8) A board of trustees may establish advisory committees.
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;

- (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (10) This section does not apply to a board of directors of an applied technology college within the Utah College of Applied Technology.

Amended by Chapter 236, 2016 General Session

53B-2-105 Consultation with boards of trustees.

- (1) The board shall consult with the board of trustees or the president of the institution or both of them prior to acting on matters pertaining to the institution.
- (2) The board may do the following:
 - (a) call meetings with one or more of the several boards of trustees;
 - (b) invite other groups to meet with it; and
 - (c) appoint committees, including members of boards of trustees, administrators, faculty staff members, and students to perform duties assigned by the board.

Amended by Chapter 58, 1991 General Session

53B-2-106 Duties and responsibilities of the president of each institution -- Approval by board of trustees.

- (1)
 - (a) The president of each institution may exercise grants of power and authority as delegated by the board, as well as the necessary and proper exercise of powers and authority not specifically denied to the institution, its administration, faculty, or students by the board or by law, to assure the effective and efficient administration and operation of the institution consistent with the statewide master plan for higher education.
 - (b) The president of each institution may, after consultation with the institution's board of trustees, exercise powers relating to the institution's employees, including faculty and persons under contract with the institution, by implementing any of the following:
 - (i) furloughs;
 - (ii) reductions in force;
 - (iii) benefit adjustments;
 - (iv) program reductions or discontinuance;
 - (v) early retirement incentives that provide cost savings to the institution; and
 - (vi) other measures that provide cost savings to the institution.
- (2) Except as provided by the board, the president of each institution, with the approval of the institution's board of trustees may:
 - (a)
 - (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members, and other professional personnel, prescribe their duties, and determine their salaries;
 - (ii) appoint support personnel, prescribe their duties, and determine their salaries from the institution's position classification plan, which may:
 - (A) be based upon similarity of duties and responsibilities within the institution; and
 - (B) as funds permit, provide salary and benefits comparable with private enterprise;
 - (iii) adopt policies for:
 - (A) employee sick leave use and accrual; and
 - (B) service recognition for employees with more than 15 years of employment with the institution; and

- (iv) subject to the authority of, policy established by, and the approval of the board of regents, and recognizing the status of the institutions within the state system of higher education as bodies politic and corporate, appoint attorneys to provide legal advice to the institution's administration and to coordinate legal affairs within the institution. The board of regents shall coordinate activities of attorneys at the institutions of higher education. The institutions shall provide an annual report to the board of regents on the activities of appointed attorneys. These appointed attorneys may not conduct litigation, settle claims covered by the State Risk Management Fund, or issue formal legal opinions but shall, in all respects, cooperate with the Office of the Attorney General in providing legal representation to the institution;
 - (b) provide for the constitution, government, and organization of the faculty and administration, and enact implementing rules, including the establishment of a prescribed system of tenure;
 - (c) authorize the faculty to determine the general initiation and direction of instruction and of the examination, admission, and classification of students. In recognition of the diverse nature and traditions of the various institutions governed by the board, the systems of faculty government need not be identical but should be designed to further faculty identification with and involvement in the institution's pursuit of achievement and excellence and in fulfillment of the institution's role as established in the statewide master plan for higher education; and
 - (d) enact rules for administration and operation of the institution which are consistent with the prescribed role established by the board, rules enacted by the board, or the laws of the state. The rules may provide for administrative, faculty, student, and joint committees with jurisdiction over specified institutional matters, for student government and student affairs organization, for the establishment of institutional standards in furtherance of the ideals of higher education fostered and subscribed to by the institution, its administration, faculty, and students, and for the holding of classes on legal holidays, other than Sunday.
- (3) Compensation costs and related office expenses for appointed attorneys shall be funded within existing budgets.
- (4) The State Board of Regents shall establish guidelines relating to the roles and relationships between institutional presidents and boards of trustees, including those matters which must be approved by a board of trustees before implementation by the president.
- (5) This section does not apply to a president of an applied technology college within the Utah College of Applied Technology.

Amended by Chapter 236, 2016 General Session

53B-2-107 Appropriations reallocation for 2001-2002 fiscal year.

- (1) Notwithstanding the requirements of Title 63J, Chapter 1, Budgetary Procedures Act, appropriations for the support of higher education for the fiscal year beginning July 1, 2001 and ending June 30, 2002, may be reallocated between line items as provided in this section.
- (2)
- (a) The president of the University of Utah may reallocate between line items the appropriations:
 - (i) described in Items 143-150 and Item 152 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (3)

- (a) The president of Utah State University may reallocate between line items the appropriations:
 - (i) described in Items 154-166 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (4)
- (a) The president of Weber State University may reallocate between line items the appropriations:
 - (i) described in Items 168 and 169 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (5)
- (a) The president of Southern Utah University may reallocate between line items the appropriations:
 - (i) described in Items 170-172 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (6)
- (a) The president of Snow College may reallocate between line items the appropriations:
 - (i) described in Items 173-175 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (7)
- (a) The president of Dixie State College may reallocate between line items the appropriations:
 - (i) described in Items 177-179 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (8)
- (a) The president of the College of Eastern Utah may reallocate between line items the appropriations:
 - (i) described in Items 180-183 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.

- (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (9)
 - (a) The president of Utah Valley State College may reallocate between line items the appropriations:
 - (i) described in Items 184 and 185 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (10)
 - (a) The president of Salt Lake Community College may reallocate between line items the appropriations:
 - (i) described in Items 186-188 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (11)
 - (a) The State Board of Regents may reallocate between line items the appropriations:
 - (i) described in Items 189, 190, and 192-199 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

Amended by Chapter 250, 2008 General Session

Amended by Chapter 382, 2008 General Session

53B-2-108 Appropriations reallocation for 2002-2003 fiscal year.

- (1) Notwithstanding the requirements of Title 63J, Chapter 1, Budgetary Procedures Act, appropriations for the support of higher education for the fiscal year beginning July 1, 2002 and ending June 30, 2003, may be reallocated between line items as provided in this section.
- (2)
 - (a) The president of the University of Utah may reallocate between line items the appropriations:
 - (i) described in Items 141-149 in S.B. 1, 2002 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 4001, 2002 Fourth Special Session and H.B. 5009, 2002 Fifth Special Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.
- (3)
 - (a) The president of Utah State University may reallocate between line items the appropriations:
 - (i) described in Items 150-159 in S.B. 1, 2002 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 4001, 2002 Fourth Special Session and H.B. 5009, 2002 Fifth Special Session.

- (b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.
- (4)
 - (a) The president of Weber State University may reallocate between line items the appropriations:
 - (i) described in Items 160 and 161 in S.B. 1, 2002 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 4001, 2002 Fourth Special Session and H.B. 5009, 2002 Fifth Special Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.
- (5)
 - (a) The president of Southern Utah University may reallocate between line items the appropriations:
 - (i) described in Items 162-164 in S.B. 1, 2002 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.
- (6)
 - (a) The president of Snow College may reallocate between line items the appropriations:
 - (i) described in Items 165-167 in S.B. 1, 2002 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.
- (7)
 - (a) The president of Dixie State College may reallocate between line items the appropriations:
 - (i) described in Items 168-170 in S.B. 1, 2002 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.
- (8)
 - (a) The president of the College of Eastern Utah may reallocate between line items the appropriations:
 - (i) described in Items 171-174 in S.B. 1, 2002 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.
- (9)
 - (a) The president of Utah Valley State College may reallocate between line items the appropriations:
 - (i) described in Items 175 and 176 in S.B. 1, 2002 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.
 - (b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.

(10)

(a) The president of Salt Lake Community College may reallocate between line items the appropriations:

- (i) described in Items 177-179 in S.B. 1, 2002 General Session; and
- (ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.

(11)

(a) The State Board of Regents may reallocate between line items the appropriations:

- (i) described in Items 180-189 in S.B. 1, 2002 General Session; and
- (ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.

Amended by Chapter 382, 2008 General Session

53B-2-108.1 Appropriations reallocation -- Presidents' authority.

(1) Notwithstanding the requirements of Title 63J, Chapter 1, Budgetary Procedures Act, appropriations for the support of higher education for the fiscal years 2008-09 and 2009-10 may be reallocated between line items as provided in this section.

(2)

(a) The president of the University of Utah may reallocate between line items the appropriations:

- (i) described in Items 119-128 in S.B. 1, 2008 General Session; and
- (ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b)

- (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.
- (ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:
 - (A) 5%; and
 - (B) 1.5 times the percent of any reduction in appropriations to the University of Utah for fiscal year 2008-09 made after the 2009 General Session.

(3)

(a) The president of Utah State University may reallocate between line items the appropriations:

- (i) described in Items 129-137 in S.B. 1, 2008 General Session; and
- (ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b)

- (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.
- (ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:
 - (A) 5%; and

(B) 1.5 times the percent of any reduction in appropriations to Utah State University for fiscal year 2008-09 made after the 2009 General Session.

- (4)
 - (a) The president of Weber State University may reallocate between line items the appropriations:
 - (i) described in Items 138 and 139 in S.B. 1, 2008 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.
 - (b)
 - (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.
 - (ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:
 - (A) 5%; and
 - (B) 1.5 times the percent of any reduction in appropriations to Weber State University for fiscal year 2008-09 made after the 2009 General Session.
- (5)
 - (a) The president of Southern Utah University may reallocate between line items the appropriations:
 - (i) described in Items 140-143 in S.B. 1, 2008 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.
 - (b)
 - (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.
 - (ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:
 - (A) 5%; and
 - (B) 1.5 times the percent of any reduction in appropriations to Southern Utah University for fiscal year 2008-09 made after the 2009 General Session.
- (6)
 - (a) The president of Snow College may reallocate between line items the appropriations:
 - (i) described in Items 144-146 in S.B. 1, 2008 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.
 - (b)
 - (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.
 - (ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:
 - (A) 5%; and
 - (B) 1.5 times the percent of any reduction in appropriations to Snow College for fiscal year 2008-09 made after the 2009 General Session.
- (7)
 - (a) The president of Dixie State College may reallocate between line items the appropriations:

- (i) described in Items 147-149 in S.B. 1, 2008 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.
- (b)
- (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.
 - (ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:
 - (A) 5%; and
 - (B) 1.5 times the percent of any reduction in appropriations to Dixie State College for fiscal year 2008-09 made after the 2009 General Session.
- (8)
- (a) The president of the College of Eastern Utah may reallocate between line items the appropriations:
- (i) described in Items 150-153 in S.B. 1, 2008 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.
- (b)
- (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.
 - (ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:
 - (A) 5%; and
 - (B) 1.5 times the percent of any reduction in appropriations to the College of Eastern Utah for fiscal year 2008-09 made after the 2009 General Session.
- (9)
- (a) The president of Utah Valley University may reallocate between line items the appropriations:
- (i) described in Items 154 and 155 in S.B. 1, 2008 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 103, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.
- (b)
- (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.
 - (ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:
 - (A) 5%; and
 - (B) 1.5 times the percent of any reduction in appropriations to Utah Valley University for fiscal year 2008-09 made after the 2009 General Session.
- (10)
- (a) The president of Salt Lake Community College may reallocate between line items the appropriations:
- (i) described in Items 156-158 in S.B. 1, 2008 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special

Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b)

- (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.
- (ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:
 - (A) 5%; and
 - (B) 1.5 times the percent of any reduction in appropriations to Salt Lake Community College for fiscal year 2008-09 made after the 2009 General Session.

(11)

- (a) The State Board of Regents may reallocate between line items the appropriations:
 - (i) described in Items 168-178 in S.B. 1, 2008 General Session and money appropriated in H.B. 86, 2008 General Session, and S.B. 180, 2008 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b)

- (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.
- (ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:
 - (A) 5%; and
 - (B) 1.5 times the percent of any reduction in appropriations to the State Board of Regents for fiscal year 2008-09 made after the 2009 General Session.

(12)

- (a) The State Board of Regents and an institution listed in Subsections (2) through (10) may reallocate appropriations between line items for the 2009-10 fiscal year, in accordance with Subsection (12)(b).
- (b) The percent of a line item appropriation that may be reallocated may not exceed 1.5 times the percentage difference between:
 - (i) ongoing appropriations for the State Board of Regents or institution in the 2008-09 fiscal year; and
 - (ii) appropriations for the State Board of Regents or institution in the 2009-10 fiscal year.

(13) In the 2008-09 and 2009-10 fiscal years, the president of each institution is encouraged, as soon as is reasonably possible, to exercise the budget authority provided under Subsection 53B-2-106(1)(b), as needed, to balance budgets and maintain the effective and efficient administration and operation of the institution consistent with reduced institutional funding.

Amended by Chapter 370, 2009 General Session

53B-2-108.2 Appropriation reallocation -- Commissioner reallocation of certain compensation amounts.

Notwithstanding the \$1.5 million appropriated for fiscal year 2012 to the eight higher education institutions for compensation in Senate Bill 3, Appropriation Adjustments, 2011 General Session, and Senate Bill 6, State Agency and Higher Education Compensation Appropriations, 2011 General Session, the commissioner of higher education shall equalize the money appropriated to each higher education institution for compensation in those bills by removing excess money from some institutions and transferring the money to underfunded institutions so that each higher

education institution takes a 0.6% reduction of their cumulative fiscal year 2011 general fund and education fund base appropriation.

Enacted by Chapter 184, 2011 General Session

53B-2-109 Notice to local government when constructing student housing.

- (1) Each institution that intends to construct student housing on property owned by the institution shall provide written notice of the intended construction, as provided in Subsection (2), before any funds are committed to the construction, if any of the proposed student housing buildings is within 300 feet of privately owned residential property.
- (2) Each notice under Subsection (1) shall be provided to the legislative body and, if applicable, the mayor of:
 - (a) the county in whose unincorporated area the privately owned residential property is located; or
 - (b) the municipality in whose boundaries the privately owned residential property is located.
- (3)
 - (a)
 - (i) Within 21 days after receiving the notice required by Subsection (1), a county or municipality entitled to the notice may submit a written request to the institution for a public hearing on the proposed student housing construction.
 - (ii) Each county or municipality that submits a written request for a hearing under Subsection (3)(a) shall deliver a copy of the request to the Division of Facilities Construction and Management.
 - (b) If a county or municipality requests a hearing under Subsection (3)(a), the legislative body of the affected county or municipality and the institution shall jointly hold a public hearing to provide information to the public and to allow the institution and the county or municipality to receive input from the public about the proposed student housing construction.
 - (c) A public hearing held under Subsection (3)(a) satisfies the public hearing requirement of Subsection 63A-5-206(13)(b) for the same proposed student housing construction.

Enacted by Chapter 231, 2005 General Session

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

- (1) Beginning July 1, 2008, Utah Valley State College shall be known as Utah Valley University.
- (2) The university is a continuation of Utah Valley State College and shall:
 - (a) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the college; and
 - (b) fulfill and perform all obligations of the college, including obligations relating to outstanding bonds and notes.

Enacted by Chapter 356, 2007 General Session

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

- (1) Dixie State College of Utah shall be known as Dixie State University.
- (2) Dixie State University is a continuation of Dixie State College of Utah and shall:
 - (a) possess all rights, titles, privileges, powers, immunities, franchises, endowments, property, and claims of Dixie State College of Utah; and

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

Enacted by Chapter 10, 2013 General Session