

**DIXIE COLLEGE NAME CHANGE**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: John W. Hickman**

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10 AN ACT RELATING TO HIGHER EDUCATION; CHANGING THE NAME OF DIXIE  
11 COLLEGE TO DIXIE STATE COLLEGE; PROVIDING FOR THE ESTABLISHMENT OF  
12 AT LEAST SIX BACCALAUREATE PROGRAMS AT THE COLLEGE BY THE  
13 BEGINNING OF THE 2002 FALL SEMESTER; PROVIDING FOR THE TRANSFER OF  
14 UNIVERSITY CENTER MONIES FROM SOUTHERN UTAH UNIVERSITY TO THE  
15 COLLEGE; PROVIDING FOR A CONTRIBUTION FROM THE DIXIE COLLEGE  
16 FOUNDATION; AND PROVIDING AN EFFECTIVE DATE.

17 This act affects sections of Utah Code Annotated 1953 as follows:

18 AMENDS:

- 19 **53B-1-102**, as last amended by Chapter 63, Laws of Utah 1994
- 20 **53B-2-101**, as last amended by Chapter 63, Laws of Utah 1994
- 21 **53B-3-102**, as last amended by Chapter 63, Laws of Utah 1994
- 22 **53B-8-101**, as last amended by Chapters 63 and 276, Laws of Utah 1994
- 23 **76-8-701**, as last amended by Chapter 63, Laws of Utah 1994

24 This act enacts uncodified material.

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

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

27 **53B-1-102. State system of higher education.**

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

- 29 (a) State Board of Regents;
- 30 (b) University of Utah;
- 31 (c) Utah State University of Agricultural and Applied Science, hereafter referred to in this
- 32 title as Utah State University;
- 33 (d) Weber State University;
- 34 (e) Southern Utah University;
- 35 (f) Snow College;
- 36 (g) Dixie State College;
- 37 (h) College of Eastern Utah;
- 38 (i) Utah Valley State College;
- 39 (j) Salt Lake Community College; and
- 40 (k) other public post-high school educational institutions as the Legislature may designate.

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

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

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

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

49 **53B-2-101. Institutions of higher education -- Corporate bodies -- Powers.**

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

- 52 (a) the University of Utah;
- 53 (b) Utah State University;
- 54 (c) Weber State University;
- 55 (d) Southern Utah University;
- 56 (e) Snow College;
- 57 (f) Dixie State College;
- 58 (g) the College of Eastern Utah;
- 59 (h) Utah Valley State College; and

60 (i) Salt Lake Community College.

61 (2) (a) Each institution may have and use a corporate seal and may, subject to Section  
 62 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the  
 63 institution requires.

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

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

67 **53B-3-102. "State institution of higher education" defined.**

68 (1) As used in this chapter, "state institution of higher education" means the University of  
 69 Utah, Utah State University, Southern Utah University, Weber State University, Snow College,  
 70 Dixie State College, College of Eastern Utah, Utah Valley State College, Salt Lake Community  
 71 College, and any other university or college which may be established and maintained by the state  
 72 of Utah.

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

75 Section 4. Section **53B-8-101** is amended to read:

76 **53B-8-101. Waiver of tuition.**

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

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

Institution	Number of Nonresident Students
University of Utah	190
Utah State University	165
Weber State University	135
Southern Utah University	68
Snow College	18

91	Dixie <u>State</u> College	18
92	College of Eastern Utah	18
93	Utah Valley State College	22
94	Salt Lake Community College	22

95           The president may continue to waive the resident portion of the tuition during the entire  
 96 time the affected meritorious nonresident student remains an undergraduate student in good  
 97 standing at the institution. The resident portion of the tuition for each nonresident student is equal  
 98 to the tuition for resident students at the institution.

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

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

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

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

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

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

116           Section 5. Section **76-8-701** is amended to read:

117           **76-8-701. Definitions.**

118           For the purposes of this part:

119           (1) "Chief administrative officer" means the president of a private or state institution of  
 120 higher education or the officer designated by the president or by the governing board of the  
 121 institution to administer the affairs of a campus or other facility owned by the institution or

122 operated or controlled by the governing board of the institution.

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

125 (3) "State institution of higher education" includes the University of Utah, Utah State  
126 University, Southern Utah University, Weber State University, Snow College, Dixie State College,  
127 the College of Eastern Utah, Utah Valley State College, Salt Lake Community College, and any  
128 other university or college which may be established and maintained by the state of Utah, and  
129 includes any branch or affiliated institution and any campus or facility owned, operated, or  
130 controlled by the governing board of the university or college.

131 Section 6. **Establishment of baccalaureate programs at the college -- Transfer of**  
132 **appropriation -- Foundation contribution.**

133 (1) The State Board of Regents, in consultation with Dixie State College's president and  
134 board of trustees, shall establish at least six baccalaureate programs at the college.

135 (2) (a) Three of the baccalaureate programs shall be available to students at the college  
136 beginning with the 2000 fall semester, subject to receipt of the contribution anticipated under  
137 Subsection (4).

138 (b) The additional three programs shall be available to students no later than the beginning  
139 of the 2002 fall semester.

140 (3) (a) The budgetary appropriation traditionally made to Southern Utah University for the  
141 University Center Program at Dixie College shall be transitioned to the college for the fiscal year  
142 beginning July 1, 1999 for the continued funding of the University Center Program or to fund the  
143 baccalaureate programs or for both purposes.

144 (b) Monies that have not been used for that program by Southern Utah University as of  
145 July 1, 1999, shall be transferred to the college as of July 1, 1999, to help fund the baccalaureate  
146 programs established under this section.

147 (4) The Dixie College Foundation shall contribute at least \$500,000 during the fiscal year  
148 beginning July 1, 1999, to help establish the baccalaureate programs referred to in Subsection (1).

149 Section 7. **Effective date.**

150 This act takes effect on July 1, 1999.

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**Legislative Review Note**  
**as of 12-2-98 9:35 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**