

DIXIE STATE COLLEGE - UNIVERSITY STATUS

2013 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 Dixie State College of Utah to Dixie State University.

Highlighted Provisions:

29 This bill:

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

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 This bill provides an immediate effective date.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **53A-1a-501.3**, as last amended by Laws of Utah 2010, Chapter 353 and last amended
40 by Coordination Clause, Laws of Utah 2010, Chapter 353

41 **53B-1-102**, as last amended by Laws of Utah 2010, Chapter 211

42 **53B-2-101**, as last amended by Laws of Utah 2010, Chapter 211

43 **53B-2a-108**, as last amended by Laws of Utah 2009, Chapter 346

44 **53B-3-102**, as last amended by Laws of Utah 2010, Chapter 211

45 **53B-8-101**, as last amended by Laws of Utah 2010, Chapter 211

46 **53B-8-103**, as last amended by Laws of Utah 2009, Chapter 363

47 **53B-16-501**, as enacted by Laws of Utah 2010, Chapter 147

48 **76-8-701**, as last amended by Laws of Utah 2010, Chapter 211

49 ENACTS:

50 **53B-2-111**, Utah Code Annotated 1953



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

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

54 **53A-1a-501.3. Definitions.**

55 As used in this part:

56 (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and

57 includes:

- 58 (a) cash;
- 59 (b) stock or other investments;
- 60 (c) real property;
- 61 (d) equipment and supplies;
- 62 (e) an ownership interest;
- 63 (f) a license;
- 64 (g) a cause of action; and
- 65 (h) any similar property.

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

- 67 (a) the board of trustees of:
 - 68 (i) the University of Utah;
 - 69 (ii) Utah State University;
 - 70 (iii) Weber State University;
 - 71 (iv) Southern Utah University;
 - 72 (v) Snow College;
 - 73 (vi) Dixie State [~~College of Utah~~] University;
 - 74 (vii) Utah Valley University; or
 - 75 (viii) Salt Lake Community College; or

76 (b) the campus board of directors of a college campus within the Utah College of
77 Applied Technology.

78 (3) "Chartering entity" means the entity that authorizes the establishment of a charter
79 school.

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

81 **53B-1-102. State system of higher education.**

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

- 83 (a) State Board of Regents;
- 84 (b) the University of Utah;

- 85 (c) Utah State University;
- 86 (d) Weber State University;
- 87 (e) Southern Utah University;
- 88 (f) Snow College;
- 89 (g) Dixie State [~~College of Utah~~] University;
- 90 (h) Utah Valley University;
- 91 (i) Salt Lake Community College;
- 92 (j) the Utah College of Applied Technology; and
- 93 (k) other public post-high school educational institutions as the Legislature may
- 94 designate.

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

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

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

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

103 **53B-2-101. Institutions of higher education -- Corporate bodies -- Powers.**

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

- 107 (a) the University of Utah;
- 108 (b) Utah State University;
- 109 (c) Weber State University;
- 110 (d) Southern Utah University;
- 111 (e) Snow College;
- 112 (f) Dixie State [~~College of Utah~~] University;

- 113 (g) Utah Valley University;
- 114 (h) Salt Lake Community College; and
- 115 (i) the Utah College of Applied Technology.

116 (2) (a) Each institution may have and use a corporate seal and may, subject to Section
117 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the
118 institution requires.

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

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

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

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

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

131 **53B-2-111. Dixie State University -- Institutional name change.**

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

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

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

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

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

139 **53B-2a-108. Campus boards of directors -- Membership -- Appointments.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

196 (f) one elected local school board member appointed by the board of education for the

197 Wasatch School District;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

241 (d) appointed on a nonpartisan basis.

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

243 **53B-3-102. State institution of higher education defined.**

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

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

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

252 **53B-8-101. Waiver of tuition.**

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

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

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

- 263 (i) the University of Utah president may grant up to 190 waivers;
- 264 (ii) the Utah State University president may grant up to 183 waivers, 18 of which shall
265 be awarded to students at Utah State University-College of Eastern Utah;
- 266 (iii) the Weber State University president may grant up to 135 waivers;
- 267 (iv) the Southern Utah University president may grant up to 68 waivers;
- 268 (v) the Snow College president may grant up to 18 waivers;
- 269 (vi) the Dixie State [~~College of Utah~~] University president may grant up to 30 waivers;
- 270 (vii) the Utah Valley University president may grant up to 114 waivers; and
- 271 (viii) the Salt Lake Community College president may grant up to 43 waivers.

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

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

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

280 (d) (i) In addition to the waivers authorized by Subsections (2)(a) and (c), a president

281 may waive all or part of the nonresident portion of tuition for a meritorious nonresident student
282 during the student's first year of full-time study at the institution.

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

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

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

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

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

297 **53B-8-103. Waiver of nonresident differential in tuition rates -- Dixie State**
298 **University good neighbor tuition waivers.**

299 (1) Notwithstanding any other provision of law:

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

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

305 (A) enhance educational opportunities for Utah residents;

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

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

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

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

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

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

321 (d) A report and financial analysis of any waivers of tuition authorized under this
322 section shall be submitted annually to the general session of the Legislature as part of the
323 budget recommendations of the board for the system of higher education.

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

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

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

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

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

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

336 (c) Dixie State [~~College of Utah~~] University may restrict the number of good neighbor

337 tuition waivers awarded.

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

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

342 **53B-16-501. Nonprofit corporations or foundations -- Purpose.**

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

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

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

351 **76-8-701. Definitions.**

352 For the purposes of this part:

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

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

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

365 Section 11. **Effective date.**

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