

## HB0061S02 compared with HB0061S01

~~deleted text~~ shows text that was in HB0061S01 but was deleted in HB0061S02.

inserted text shows text that was not in HB0061S01 but was inserted into HB0061S02.

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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: \_\_\_\_\_

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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.

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### 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

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

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

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

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

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

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

#### ENACTS:

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

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

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

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

As used in this part:

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

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

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

- (a) the board of trustees of:

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- (i) the University of Utah;
  - (ii) Utah State University;
  - (iii) Weber State University;
  - (iv) Southern Utah University;
  - (v) Snow College;
  - (vi) Dixie State [~~College of Utah~~] University;
  - (vii) Utah Valley University; or
  - (viii) Salt Lake Community College; or
- (b) the campus board of directors of a college campus within the Utah College of Applied Technology.

Applied Technology.

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

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

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

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

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

designate.

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

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

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

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

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

### **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 [~~College of Utah~~] 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.

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

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

(1) ~~{Beginning July 1, 2013, }~~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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Provo School District;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) individuals recognized for their knowledge and expertise;

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

(d) appointed on a nonpartisan basis.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The number of these nonresident waivers for each institution is limited to the

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percentage of nonresident students at each institution times the nonresident student number allowed under Subsection (2)(a).

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

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

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

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

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

(1) Notwithstanding any other provision of law:

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

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

(A) enhance educational opportunities for Utah residents;

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

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

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

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

(ii) An agreement shall provide for the numbers and identifying criteria of

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undergraduate students, and shall specify the institutions of higher education that will be affected by the agreement.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Dixie State [~~College of Utah~~] University may form a nonprofit corporation or foundation controlled by the president of the college and the Board of Regents to aid and assist the college in attaining its charitable, communications, and other related educational objectives,

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including support for the Center for Media Innovation, film festivals, film production, print media, broadcasting, television, and digital media.

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

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

### **76-8-701. Definitions.**

For the purposes of this part:

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

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

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

### **Section 11. Effective date.**

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