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1	UTAH TECH UNIVERSITY
2	2021 SECOND SPECIAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Kelly B. Miles
5	Senate Sponsor: Michael K. McKell
6	
7	LONG TITLE
8	General Description:
9	This bill codifies the name of Utah Tech University.
10	Highlighted Provisions:
11	This bill:
12	 codifies the name of Utah Tech University;
13	 requires the Utah Tech University board of trustees to report to the Education
14	Interim Committee regarding the institution's Heritage Committee; and
15	makes technical and conforming changes.
16	Money Appropriated in this Bill:
17	None
18	Other Special Clauses:
19	This bill provides a special effective date.
20	Utah Code Sections Affected:
21	AMENDS:
22	53B-1-102, as last amended by Laws of Utah 2020, Chapter 365
23	53B-2-101, as last amended by Laws of Utah 2017, Chapter 382
24	53B-2-111, as last amended by Laws of Utah 2021, Chapter 169
25	53B-2a-112, as last amended by Laws of Utah 2020, Chapter 365
26	53B-8-103, as last amended by Laws of Utah 2020, Chapter 365
27	53B-16-101, as last amended by Laws of Utah 2021, Chapter 187
28	53B-26-301, as enacted by Laws of Utah 2020, Chapter 361
29	53B-31-101 , as enacted by Laws of Utah 2021, Chapter 379

30	53B-31-201, as renumbered and amended by Laws of Utah 2021, Chapter 379
31	53B-31-301 , as enacted by Laws of Utah 2021, Chapter 379
32	53B-31-401, as enacted by Laws of Utah 2021, Chapter 169 and last amended by
33	Coordination Clause, Laws of Utah 2021, Chapter 169
34	53G-5-102, as last amended by Laws of Utah 2020, Chapter 365
35	63I-5-201, as last amended by Laws of Utah 2021, Chapter 184
36	63N-1b-101, as enacted by Laws of Utah 2021, Chapter 282 and last amended by
37	Coordination Clause, Laws of Utah 2021, Chapter 187
38	
39	Be it enacted by the Legislature of the state of Utah:
40	Section 1. Section 53B-1-102 is amended to read:
41	53B-1-102. Utah system of higher education.
42	(1) The Utah system of higher education consists of the following institutions:
43	(a) degree-granting institutions, which are:
44	(i) the University of Utah;
45	(ii) Utah State University;
46	(iii) Weber State University;
47	(iv) Southern Utah University;
48	(v) Snow College;
49	(vi) [Dixie State] Utah Tech University;
50	(vii) Utah Valley University; and
51	(viii) Salt Lake Community College;
52	(b) technical colleges, which are:
53	(i) Bridgerland Technical College;
54	(ii) Davis Technical College;
55	(iii) Dixie Technical College;
56	(iv) Mountainland Technical College;
57	(v) Ogden-Weber Technical College;

58	(vi) Southwest Technical College;
59	(vii) Tooele Technical College; and
60	(viii) Uintah Basin Technical College;
61	(c) the Utah Board of Higher Education; and
62	(d) other public post-high school educational institutions as the Legislature may
63	designate.
64	(2) A change in the name of an institution within the Utah system of higher education
65	is not a change in the role or mission of the institution, unless otherwise authorized by the
66	board.
67	(3) It is not the intent of the Legislature to increase the number of research universities
68	in the state beyond the University of Utah and Utah State University.
69	(4) An institution or board described in Subsection (1) is empowered to sue and be sued
70	and to contract and be contracted with.
71	Section 2. Section 53B-2-101 is amended to read:
72	53B-2-101. Institutions of higher education Corporate bodies Powers.
73	(1) The following institutions of higher education are bodies politic and corporate with
74	perpetual succession and with all rights, immunities, and franchises necessary to function as
75	such:
76	(a) the University of Utah;
77	(b) Utah State University;
78	(c) Weber State University;
79	(d) Southern Utah University;
80	(e) Snow College;
81	(f) [Dixie State] <u>Utah Tech</u> University;
82	(g) Utah Valley University;
83	(h) Salt Lake Community College;
84	(i) Bridgerland Technical College;
85	(j) Davis Technical College;

86	(k) Dixie Technical College;
87	(l) Mountainland Technical College;
88	(m) Ogden-Weber Technical College;
89	(n) Southwest Technical College;
90	(o) Tooele Technical College; and
91	(p) Uintah Basin Technical College.
92	(2) (a) An institution of higher education may have and use a corporate seal and may,
93	subject to this title, take, hold, lease, sell, and convey real and personal property as the interest
94	of the institution requires.
95	(b) An institution of higher education is vested with all the property, franchises, and
96	endowments of, and is subject to, all the contracts, obligations, and liabilities of the institution's
97	respective predecessor.
98	(c) (i) An institution of higher education may enter into business relationships or
99	dealings with private seed or venture capital entities or partnerships consistent with Utah
100	Constitution Article VI, Section 29, Subsection (2).
101	(ii) A business dealing or relationship entered into under Subsection (2)(c)(i) does not
102	preclude the private entity or partnership from participating in or receiving benefits from a
103	venture capital program authorized or sanctioned by the laws of this state, unless otherwise
104	precluded by the specific law that authorizes or sanctions the program.
105	Section 3. Section 53B-2-111 is amended to read:
106	53B-2-111. Utah Tech University Institutional name change.
107	(1) As used in this [Section] section:
108	(a) "Board of trustees" means the board of trustees of [Dixie State] <u>Utah Tech</u>
109	University.
110	(b) "Institution" means [Dixie State] <u>Utah Tech</u> University.
111	(2) (a) Dixie State [College of Utah] University shall be known as [Dixie State] Utah
112	Tech University.
113	(b) [Dixie State] Utah Tech University is a continuation of Dixie State College of Utah

114	and Dixie State University and shall:
115	(i) possess all rights, titles, privileges, powers, immunities, franchises, endowments,
116	property, and claims of Dixie State University and Dixie State College of Utah; and
117	(ii) fulfill and perform all obligations of <u>Dixie State University and</u> Dixie State College
118	of Utah, including obligations relating to outstanding bonds and notes.
119	(3) The board of trustees in consultation with the Utah Board of Higher Education
120	shall:
121	(a) create a committee to recommend a name for the institution; and
122	(b) ensure that the committee:
123	(i) represents students, university personnel, community members, and industry leaders
124	in the committee's membership;
125	(ii) provides opportunity for input from and collaboration with the public, including:
126	(A) residents of southwestern Utah;
127	(B) institutional partners; and
128	(C) university faculty, staff, students, and alumni;
129	(iii) reviews options for the institution's name; and
130	(iv) makes recommendations regarding the institution's name to the board of trustees.
131	(4) (a) The board of trustees shall:
132	(i) review the committee's recommendation described in Subsection (3)(b); and
133	(ii) choose whether to forward a name for the institution to the Utah Board of Higher
134	Education.
135	(b) Should the board of trustees choose to forward a name for the institution to the
136	Utah Board of Higher Education under Subsection (4)(a), the board of trustees shall ensure that
137	the name:
138	(i) reflects the institution's mission and significance to the surrounding region and
139	state; and
140	(ii) enables the institution to compete and be recognized nationally.
141	(c) Should the board of trustees recommend a name for the institution under

142	Subsection (4)(a), the Utah Board of Higher Education shall vote on whether to approve and
143	recommend the name to the Legislature.
144	(5) Should the Utah Board of Higher Education and the board of trustees recommend a
145	name for the institution to the Legislature through the process described in Subsections (3) and
146	(4), the Utah Board of Higher Education and the board of trustees shall recommend the name
147	for the institution to the Legislative Management Committee no later than November 1, 2021.
148	(6) (a) Except as provided in Subsection (6)(b), the board of trustees shall designate the
149	institution's main campus as the "Dixie Campus" for a period of no less than 20 years.
150	(b) After July 1, 2042, if the board of trustees seeks to alter the designation described
151	in Subsection (6)(a), the board of trustees shall first obtain the approval of the Utah Board of
152	Higher Education.
153	Section 4. Section 53B-2a-112 is amended to read:
154	53B-2a-112. Technical colleges Relationships with other public and higher
155	education institutions Agreements Priorities New capital facilities.
156	(1) As used in this section, "higher education institution" means:
157	(a) Utah State University for:
158	(i) Bridgerland Technical College;
159	(ii) Tooele Technical College; and
160	(iii) Uintah Basin Technical College;
161	(b) Weber State University for:
162	(i) Ogden-Weber Technical College; and
163	(ii) Davis Technical College;
164	(c) Utah Valley University for Mountainland Technical College;
165	(d) Southern Utah University for Southwest Technical College; and
166	(e) [Dixie State] <u>Utah Tech</u> University for Dixie Technical College.
167	(2) A technical college may enter into agreements:
168	(a) with other higher education institutions to cultivate cooperative relationships; or
169	(b) with other public and higher education institutions to enhance career and technical

education within the technical college's region.

- (3) Before a technical college develops new instructional facilities, the technical college shall give priority to:
- (a) maintaining the technical college's existing instructional facilities for both secondary and adult students;
- (b) coordinating with the president of the technical college's higher education institution and entering into any necessary agreements to provide career and technical education to secondary and adult students that:
- (i) maintain and support existing higher education career and technical education programs; and
 - (ii) maximize the use of existing higher education facilities; and
- (c) developing cooperative agreements with school districts, charter schools, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of career and technical education instructional facilities for both secondary and adult students.
- (4) (a) Before submitting a funding request pertaining to new capital facilities and land purchases to the board, a technical college shall:
- (i) ensure that all available instructional facilities are maximized in accordance with Subsections (3)(a) through (c); and
- (ii) coordinate the request with the president of the technical college's higher education institution, if applicable.
- (b) The State Building Board shall make a finding that the requirements of this section are met before the State Building Board may consider a funding request from the board pertaining to new capital facilities and land purchases for a technical college.
- (c) A technical college may not construct, approve the construction of, plan for the design or construction of, or consent to the construction of a career and technical education facility without approval of the Legislature.
 - (5) Before acquiring new fiscal and administrative support structures, a technical

H.B. 2001 **Enrolled Copy** college shall: (a) review the use of existing public or higher education administrative and accounting systems, financial record systems, and student and financial aid systems for the delivery of career and technical education in the region; (b) determine the feasibility of using existing systems; and (c) with the approval of the technical college board of trustees and the board, use the existing systems. Section 5. Section **53B-8-103** is amended to read: 53B-8-103. Waiver of nonresident differential in tuition rates -- Utah Tech

- University good neighbor tuition waivers.
 - (1) Notwithstanding any other provision of law:

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

226	(c) The board shall establish policy guidelines for the administration by the affected
227	Utah institutions of any tuition waivers authorized under this section, for evaluating applicants
228	for such waivers, and for reporting the results of the reciprocal waiver programs authorized by
229	this section.
230	(d) A report and financial analysis of any waivers of tuition authorized under this
231	section shall be submitted annually to the general session of the Legislature as part of the
232	budget recommendations of the board for the system of higher education.
233	(2) (a) [Dixie State] Utah Tech University may offer a good neighbor full waiver of the
234	nonresident differential in tuition rates charged to undergraduate students:
235	(i) pursuant to reciprocal agreements with other states; or
236	(ii) to a resident of a county that has a portion of the county located within 70 miles of
237	the main campus of [Dixie State] Utah Tech University.
238	(b) (i) A student who attends [Dixie State] Utah Tech University under a good
239	neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident
240	tuition and fees of [Dixie State] Utah Tech University.
241	(ii) The surcharge per credit hour shall be based on a percentage of the approved
242	resident tuition per credit hour each academic year.
243	(iii) The percentage assessed as a surcharge per credit hour shall be set by the board.
244	(c) [Dixie State] Utah Tech University may restrict the number of good neighbor
245	tuition waivers awarded.
246	(d) A student who attends [Dixie State] Utah Tech University on a good neighbor
247	tuition waiver may not count the time during which the waiver is received towards establishing
248	resident student status in Utah.
249	Section 6. Section 53B-16-101 is amended to read:
250	53B-16-101. Establishment of institutional roles and general courses of study.
251	(1) Except as institutional roles are specifically assigned by the Legislature, the board:
252	(a) shall establish and define the roles of the various institutions of higher education;
253	and

254	(b) shall, within each institution of higher education's primary role, prescribe the
255	general course of study to be offered at the institution of higher education, including for:
256	(i) research universities, which provide undergraduate, graduate, and research programs
257	and include:
258	(A) the University of Utah; and
259	(B) Utah State University;
260	(ii) regional universities, which provide career and technical education, undergraduate
261	associate and baccalaureate programs, and select master's degree programs to fill regional
262	demands and include:
263	(A) Weber State University;
264	(B) Southern Utah University;
265	(C) [Dixie State] Utah Tech University; and
266	(D) Utah Valley University;
267	(iii) comprehensive community colleges, which provide associate programs and
268	include:
269	(A) Salt Lake Community College; and
270	(B) Snow College; and
271	(iv) technical colleges and degree-granting institutions that provide technical
272	education, and include:
273	(A) each technical college; and
274	(B) the degree-granting institutions described in Section 53B-2a-201.
275	(2) (a) Except for the University of Utah, and subject to Subsection (2)(b), each
276	institution of higher education described in Subsections (1)(b)(i) through (iii) has career and
277	technical education included in the institution of higher education's primary role.
278	(b) The board shall determine the extent to which an institution described in
279	Subsection (2)(a) provides career and technical education within the institution's primary role.
280	(3) The board shall further clarify each institution of higher education's primary role by
281	clarifying:

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282	(a) the level of program that the institution of higher education generally offers;
283	(b) broad fields that are within the institution of higher education's mission; and
284	(c) any special characteristics of the institution of higher education, such as being a
285	land grant university.
286	Section 7. Section 53B-26-301 is amended to read:
287	53B-26-301. Definitions.
288	As used in this part:
289	(1) "Advisory council" means the Deep Technology Talent Advisory Council created
290	in Section 53B-26-303.
291	(2) (a) "Deep technology" means technology that leads to new products and
292	innovations based on scientific discovery or meaningful engineering innovation.
293	(b) "Deep technology" may include technology that leads to new products and
294	innovations related to one or more of the following:
295	(i) advanced materials;
296	(ii) artificial intelligence;
297	(iii) augmented and virtual reality;
298	(iv) biotechnology;
299	(v) photonics;
300	(vi) quantum computing;
301	(vii) robotics;
302	(viii) secure computing; and
303	(ix) other emerging technologies as determined by the advisory council.
304	(3) "Institution of higher education" means the University of Utah, Utah State
305	University, Southern Utah University, Weber State University, Snow College, [Dixie State]

309 Part 1. General Provisions

Section 8. Section **53B-31-101** is amended to read:

<u>Utah Tech</u> University, Utah Valley University, or Salt Lake Community College.

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CHAPTER 31. UTAH TECH UNIVERSITY

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310	53B-31-101. Title.
311	This chapter is known as "[Dixie State] Utah Tech University."
312	Section 9. Section 53B-31-201 is amended to read:
313	53B-31-201. Nonprofit corporations or foundations Purpose.
314	(1) [Dixie State] <u>Utah Tech</u> University may form a nonprofit corporation or foundation
315	controlled by the president of the university and the board to aid and assist the university in
316	attaining its charitable, communications, and other related educational objectives, including
317	support for media innovation, film festivals, film production, print media, broadcasting,
318	television, and digital media.
319	(2) The nonprofit corporation or foundation may receive and administer legislative
320	appropriations, government grants, contracts, and private gifts to carry out its public purposes.
321	Section 10. Section 53B-31-301 is amended to read:
322	53B-31-301. Utah Tech University Higher Education for Incarcerated Youth
323	Program.
324	(1) As used in this section:
325	(a) "Interactive video conferencing" means two-way, real-time transmission of audio
326	and video signals between devices or computers at two or more locations.
327	(b) "Program" means the [Dixie State] <u>Utah Tech</u> University Higher Education for
328	Incarcerated Youth Program.
329	(c) "Student" means an individual who is:
330	(i) in the custody of the Division of Juvenile Justice Services within the timeframe of
331	the course being offered; and
332	(ii) subject to the jurisdiction of the Youth Parole Authority.
333	(2) Consistent with policies established by the board, [Dixie State] Utah Tech

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courses;

University shall, subject to legislative appropriation, establish and administer the [Dixie State]

(a) students needing high school credits opportunities for concurrent enrollment

<u>Utah Tech</u> University Higher Education for Incarcerated Youth Program to provide:

338	(b) a consistent, two-year, flexible schedule of higher education courses delivered
339	through interactive video conferencing to students;
340	(c) a pathway for students to earn college credits that:
341	(i) apply toward earning a certificate, associate degree, bachelor's degree; or
342	(ii) satisfy scholarship requirements or other objectives that best meet the needs of an
343	individual student; and
344	(d) advisory support to students and academic counselors who participate in the
345	program to ensure that the students' higher education courses align with the academic and
346	career goals defined in the students' plans for college and career readiness.
347	Section 11. Section 53B-31-401 is amended to read:
348	53B-31-401. Heritage Committee.
349	[Should the Dixie State University board of trustees and the Utah Board of Higher
350	Education forward a name to the Legislature that does not include the term "Dixie" under
351	Section 53B-2-111, the]
352	(1) The board of trustees shall establish a Heritage Committee to identify and
353	implement strategies to preserve the heritage, culture, and history of the region on the campus
354	of [the institution] Utah Tech University, including the regional significance of the term
355	"Dixie."
356	(2) At or before the November interim meeting in 2022, the board of trustees shall
357	report to the Education Interim Committee regarding the establishment of the Heritage
358	Committee described in Subsection (1).
359	Section 12. Section 53G-5-102 is amended to read:
360	53G-5-102. Definitions.
361	As used in this chapter:
362	(1) "Asset" means property of all kinds, real and personal, tangible and intangible, and
363	includes:
364	(a) cash;
365	(b) stock or other investments;

366	(c) real property;
367	(d) equipment and supplies;
368	(e) an ownership interest;
369	(f) a license;
370	(g) a cause of action; and
371	(h) any similar property.
372	(2) "Board of trustees of a higher education institution" or "board of trustees" means:
373	(a) the board of trustees of:
374	(i) the University of Utah;
375	(ii) Utah State University;
376	(iii) Weber State University;
377	(iv) Southern Utah University;
378	(v) Snow College;
379	(vi) [Dixie State] Utah Tech University;
380	(vii) Utah Valley University; or
381	(viii) Salt Lake Community College; or
382	(b) a technical college board of trustees described in Section 53B-2a-108.
383	(3) "Charter school authorizer" or "authorizer" means an entity listed in Section
384	53G-5-205 that authorizes a charter school.
385	Section 13. Section 63I-5-201 is amended to read:
386	63I-5-201. Internal auditing programs State agencies.
387	(1) (a) The departments of Administrative Services, Agriculture, Commerce, Cultural
388	and Community Engagement, Corrections, Workforce Services, Environmental Quality,
389	Health, Human Services, Natural Resources, Public Safety, and Transportation, and the State
390	Tax Commission shall conduct various types of auditing procedures as determined by the
391	agency head or governor.
392	(b) The governor may, by executive order, require a state agency not described in
393	Subsection (1)(a) to establish an internal audit program.

394 (c) The governor shall ensure that each state agency that reports to the governor has 395 adequate internal audit coverage. 396 (2) (a) The Administrative Office of the Courts shall establish an internal audit 397 program under the direction of the Judicial Council, including auditing procedures for courts 398 not of record. 399 (b) The Judicial Council may, by rule, require other judicial agencies to establish an 400 internal audit program. (3) (a) [Dixie State] Utah Tech University, the University of Utah, Utah State 402 University, Salt Lake Community College, Southern Utah University, Utah Valley University, 403 Weber State University, and Snow College shall establish an internal audit program under the direction of the Utah Board of Higher Education. 405 (b) The Utah Board of Higher Education may issue policies requiring other higher 406 education entities or programs to establish an internal audit program. 407 (4) The State Board of Education shall establish an internal audit program that provides 408 internal audit services for each program administered by the State Board of Education. (5) Subject to Section 32B-2-302.5, the internal audit division of the Department of Alcoholic Beverage Control shall establish an internal audit program under the direction of the 410 Alcoholic Beverage Control Commission. 412 Section 14. Section **63N-1b-101** is amended to read: 63N-1b-101. Definitions. 413 414 As used in this chapter: 415 (1) "Apprenticeship program" means a program that: 416 (a) combines paid on-the-job learning with formal classroom instruction to prepare 417 students for careers; and 418 (b) includes: 419 (i) structured on-the-job learning for students under the supervision of a skilled 420 employee;

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(ii) classroom instruction for students related to the on-the-job learning;

422	(iii) ongoing student assessments using established competency and skills standards;
423	and
424	(iv) the student receiving an industry-recognized credential or degree upon completion
425	of the program.
426	(2) "Career and technical education region" means an economic service area created in
427	Section 35A-2-101.
428	(3) "High quality professional learning" means the professional learning standards for
429	teachers and principals described in Section 53G-11-303.
430	(4) "Institution of higher education" means the University of Utah, Utah State
431	University, Southern Utah University, Weber State University, Snow College, [Dixie State]
432	<u>Utah Tech</u> University, Utah Valley University, or Salt Lake Community College.
433	(5) "Local education agency" means a school district, a charter school, or the Utah
434	Schools for the Deaf and the Blind.
435	(6) "Master plan" means the computer science education master plan described in
436	Section 63N-1b-304.
437	(7) "Participating employer" means an employer that:
438	(a) partners with an educational institution on a curriculum for an apprenticeship
439	program or work-based learning program; and
440	(b) provides an apprenticeship or work-based learning program for students.
441	(8) "State board" means the State Board of Education.
442	(9) "Talent program" means the Talent Ready Utah Program created in Section
443	63N-1b-302.
444	(10) "Talent subcommittee" means the Talent, Education, and Industry Alignment
445	Subcommittee created in Section 63N-1b-301.
446	(11) "Technical college" means:
447	(a) the same as that term is defined in Section 53B-1-101.5; and
448	(b) a degree-granting institution acting in the degree-granting institution's technical
449	education role described in Section 53B-2a-201.

(12) (a) "Work-based learning program" means a program that combines structured and
supervised learning activities with authentic work experiences and that is implemented through
industry and education partnerships.
(b) "Work-based learning program" includes the following objectives:
(i) providing students an applied workplace experience using knowledge and skills
attained in a program of study that includes an internship, externship, or work experience;
(ii) providing an educational institution with objective input from a participating
employer regarding the education requirements of the current workforce; and
(iii) providing funding for programs that are associated with high-wage, in-demand, or
emerging occupations.
(13) "Workforce programs" means education or industry programs that facilitate
training the state's workforce to meet industry demand.
Section 15. Effective date.

This bill takes effect July 1, 2022.