

UTAH TECH UNIVERSITY

2021 SECOND SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Kelly B. Miles

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill codifies the name of Utah Tech University.

Highlighted Provisions:

This bill:

- ▶ codifies the name of Utah Tech University;
- ▶ requires the Utah Tech University board of trustees to report to the Education Interim Committee regarding the institution's Heritage Committee; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 53B-1-102**, as last amended by Laws of Utah 2020, Chapter 365
- 53B-2-101**, as last amended by Laws of Utah 2017, Chapter 382
- 53B-2-111**, as last amended by Laws of Utah 2021, Chapter 169
- 53B-2a-112**, as last amended by Laws of Utah 2020, Chapter 365
- 53B-8-103**, as last amended by Laws of Utah 2020, Chapter 365
- 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

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~~] Utah Tech 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]~~ Utah Tech
 109 University.

110 (b) "Institution" means ~~[Dixie State]~~ Utah Tech 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 Dixie State University and 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 Section 4. Section **53B-2a-112** is amended to read:
- 149 **53B-2a-112. Technical colleges -- Relationships with other public and higher**
150 **education institutions -- Agreements -- Priorities -- New capital facilities.**
- 151 (1) As used in this section, "higher education institution" means:

- 152 (a) Utah State University for:
- 153 (i) Bridgerland Technical College;
- 154 (ii) Tooele Technical College; and
- 155 (iii) Uintah Basin Technical College;
- 156 (b) Weber State University for:
- 157 (i) Ogden-Weber Technical College; and
- 158 (ii) Davis Technical College;
- 159 (c) Utah Valley University for Mountainland Technical College;
- 160 (d) Southern Utah University for Southwest Technical College; and
- 161 (e) [~~Dixie State~~] Utah Tech University for Dixie Technical College.
- 162 (2) A technical college may enter into agreements:
- 163 (a) with other higher education institutions to cultivate cooperative relationships; or
- 164 (b) with other public and higher education institutions to enhance career and technical
- 165 education within the technical college's region.
- 166 (3) Before a technical college develops new instructional facilities, the technical
- 167 college shall give priority to:
- 168 (a) maintaining the technical college's existing instructional facilities for both
- 169 secondary and adult students;
- 170 (b) coordinating with the president of the technical college's higher education
- 171 institution and entering into any necessary agreements to provide career and technical
- 172 education to secondary and adult students that:
- 173 (i) maintain and support existing higher education career and technical education
- 174 programs; and
- 175 (ii) maximize the use of existing higher education facilities; and
- 176 (c) developing cooperative agreements with school districts, charter schools, other
- 177 higher education institutions, businesses, industries, and community and private agencies to
- 178 maximize the availability of career and technical education instructional facilities for both
- 179 secondary and adult students.
- 180 (4) (a) Before submitting a funding request pertaining to new capital facilities and land
- 181 purchases to the board, a technical college shall:
- 182 (i) ensure that all available instructional facilities are maximized in accordance with

183 Subsections (3)(a) through (c); and

184 (ii) coordinate the request with the president of the technical college's higher education
185 institution, if applicable.

186 (b) The State Building Board shall make a finding that the requirements of this section
187 are met before the State Building Board may consider a funding request from the board
188 pertaining to new capital facilities and land purchases for a technical college.

189 (c) A technical college may not construct, approve the construction of, plan for the
190 design or construction of, or consent to the construction of a career and technical education
191 facility without approval of the Legislature.

192 (5) Before acquiring new fiscal and administrative support structures, a technical
193 college shall:

194 (a) review the use of existing public or higher education administrative and accounting
195 systems, financial record systems, and student and financial aid systems for the delivery of
196 career and technical education in the region;

197 (b) determine the feasibility of using existing systems; and

198 (c) with the approval of the technical college board of trustees and the board, use the
199 existing systems.

200 Section 5. Section **53B-8-103** is amended to read:

201 **53B-8-103. Waiver of nonresident differential in tuition rates -- Utah Tech**
202 **University good neighbor tuition waivers.**

203 (1) Notwithstanding any other provision of law:

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

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

209 (A) enhance educational opportunities for Utah residents;

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

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

213 (D) assist in maintaining the cost effectiveness of auxiliary operations in Utah

214 institutions of higher education.

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

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

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

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

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

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

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

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

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

238 (iii) The percentage assessed as a surcharge per credit hour shall be set by the board.

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

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

244 Section 6. Section **53B-16-101** is amended to read:

245 **53B-16-101. Establishment of institutional roles and general courses of study.**

246 (1) Except as institutional roles are specifically assigned by the Legislature, the board:

247 (a) shall establish and define the roles of the various institutions of higher education;

248 and

249 (b) shall, within each institution of higher education's primary role, prescribe the
250 general course of study to be offered at the institution of higher education, including for:

251 (i) research universities, which provide undergraduate, graduate, and research programs
252 and include:

253 (A) the University of Utah; and

254 (B) Utah State University;

255 (ii) regional universities, which provide career and technical education, undergraduate
256 associate and baccalaureate programs, and select master's degree programs to fill regional
257 demands and include:

258 (A) Weber State University;

259 (B) Southern Utah University;

260 (C) [~~Dixie State~~] Utah Tech University; and

261 (D) Utah Valley University;

262 (iii) comprehensive community colleges, which provide associate programs and
263 include:

264 (A) Salt Lake Community College; and

265 (B) Snow College; and

266 (iv) technical colleges and degree-granting institutions that provide technical
267 education, and include:

268 (A) each technical college; and

269 (B) the degree-granting institutions described in Section [53B-2a-201](#).

270 (2) (a) Except for the University of Utah, and subject to Subsection (2)(b), each
271 institution of higher education described in Subsections (1)(b)(i) through (iii) has career and
272 technical education included in the institution of higher education's primary role.

273 (b) The board shall determine the extent to which an institution described in
274 Subsection (2)(a) provides career and technical education within the institution's primary role.

275 (3) The board shall further clarify each institution of higher education's primary role by

276 clarifying:

- 277 (a) the level of program that the institution of higher education generally offers;
- 278 (b) broad fields that are within the institution of higher education's mission; and
- 279 (c) any special characteristics of the institution of higher education, such as being a
- 280 land grant university.

281 Section 7. Section **53B-26-301** is amended to read:

282 **53B-26-301. Definitions.**

283 As used in this part:

284 (1) "Advisory council" means the Deep Technology Talent Advisory Council created
285 in Section **53B-26-303**.

286 (2) (a) "Deep technology" means technology that leads to new products and
287 innovations based on scientific discovery or meaningful engineering innovation.

288 (b) "Deep technology" may include technology that leads to new products and
289 innovations related to one or more of the following:

- 290 (i) advanced materials;
- 291 (ii) artificial intelligence;
- 292 (iii) augmented and virtual reality;
- 293 (iv) biotechnology;
- 294 (v) photonics;
- 295 (vi) quantum computing;
- 296 (vii) robotics;
- 297 (viii) secure computing; and
- 298 (ix) other emerging technologies as determined by the advisory council.

299 (3) "Institution of higher education" means the University of Utah, Utah State
300 University, Southern Utah University, Weber State University, Snow College, [~~Dixie State~~]
301 Utah Tech University, Utah Valley University, or Salt Lake Community College.

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

303 **CHAPTER 31. UTAH TECH UNIVERSITY**

304 **Part 1. General Provisions**

305 **53B-31-101. Title.**

306 This chapter is known as "[~~Dixie State~~] Utah Tech University."

307 Section 9. Section **53B-31-201** is amended to read:

308 **53B-31-201. Nonprofit corporations or foundations -- Purpose.**

309 (1) [~~Dixie State~~] Utah Tech University may form a nonprofit corporation or foundation
310 controlled by the president of the university and the board to aid and assist the university in
311 attaining its charitable, communications, and other related educational objectives, including
312 support for media innovation, film festivals, film production, print media, broadcasting,
313 television, and digital media.

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

316 Section 10. Section **53B-31-301** is amended to read:

317 **53B-31-301. Utah Tech University Higher Education for Incarcerated Youth**
318 **Program.**

319 (1) As used in this section:

320 (a) "Interactive video conferencing" means two-way, real-time transmission of audio
321 and video signals between devices or computers at two or more locations.

322 (b) "Program" means the [~~Dixie State~~] Utah Tech University Higher Education for
323 Incarcerated Youth Program.

324 (c) "Student" means an individual who is:

325 (i) in the custody of the Division of Juvenile Justice Services within the timeframe of
326 the course being offered; and

327 (ii) subject to the jurisdiction of the Youth Parole Authority.

328 (2) Consistent with policies established by the board, [~~Dixie State~~] Utah Tech
329 University shall, subject to legislative appropriation, establish and administer the [~~Dixie State~~]
330 Utah Tech University Higher Education for Incarcerated Youth Program to provide:

331 (a) students needing high school credits opportunities for concurrent enrollment
332 courses;

333 (b) a consistent, two-year, flexible schedule of higher education courses delivered
334 through interactive video conferencing to students;

335 (c) a pathway for students to earn college credits that:

336 (i) apply toward earning a certificate, associate degree, bachelor's degree; or

337 (ii) satisfy scholarship requirements or other objectives that best meet the needs of an

338 individual student; and

339 (d) advisory support to students and academic counselors who participate in the
340 program to ensure that the students' higher education courses align with the academic and
341 career goals defined in the students' plans for college and career readiness.

342 Section 11. Section **53B-31-401** is amended to read:

343 **53B-31-401. Heritage Committee.**

344 [~~Should the Dixie State University board of trustees and the Utah Board of Higher~~
345 ~~Education forward a name to the Legislature that does not include the term "Dixie" under~~
346 ~~Section 53B-2-111, the]~~

347 (1) The board of trustees shall establish a Heritage Committee to identify and
348 implement strategies to preserve the heritage, culture, and history of the region on the campus
349 of [~~the institution~~] Utah Tech University, including the regional significance of the term
350 "Dixie."

351 (2) At or before the November interim meeting in 2022, the board of trustees shall
352 report to the Education Interim Committee regarding the establishment of the Heritage
353 Committee described in Subsection (1).

354 Section 12. Section **53G-5-102** is amended to read:

355 **53G-5-102. Definitions.**

356 As used in this chapter:

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

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

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

- 368 (a) the board of trustees of:

- 369 (i) the University of Utah;
370 (ii) Utah State University;
371 (iii) Weber State University;
372 (iv) Southern Utah University;
373 (v) Snow College;
374 (vi) [~~Dixie State~~] Utah Tech University;
375 (vii) Utah Valley University; or
376 (viii) Salt Lake Community College; or
377 (b) a technical college board of trustees described in Section [53B-2a-108](#).
378 (3) "Charter school authorizer" or "authorizer" means an entity listed in Section
379 [53G-5-205](#) that authorizes a charter school.

380 Section 13. Section **63I-5-201** is amended to read:

381 **63I-5-201. Internal auditing programs -- State agencies.**

382 (1) (a) The departments of Administrative Services, Agriculture, Commerce, Cultural
383 and Community Engagement, Corrections, Workforce Services, Environmental Quality,
384 Health, Human Services, Natural Resources, Public Safety, and Transportation, and the State
385 Tax Commission shall conduct various types of auditing procedures as determined by the
386 agency head or governor.

387 (b) The governor may, by executive order, require a state agency not described in
388 Subsection (1)(a) to establish an internal audit program.

389 (c) The governor shall ensure that each state agency that reports to the governor has
390 adequate internal audit coverage.

391 (2) (a) The Administrative Office of the Courts shall establish an internal audit
392 program under the direction of the Judicial Council, including auditing procedures for courts
393 not of record.

394 (b) The Judicial Council may, by rule, require other judicial agencies to establish an
395 internal audit program.

396 (3) (a) [~~Dixie State~~] Utah Tech University, the University of Utah, Utah State
397 University, Salt Lake Community College, Southern Utah University, Utah Valley University,
398 Weber State University, and Snow College shall establish an internal audit program under the
399 direction of the Utah Board of Higher Education.

400 (b) The Utah Board of Higher Education may issue policies requiring other higher
401 education entities or programs to establish an internal audit program.

402 (4) The State Board of Education shall establish an internal audit program that provides
403 internal audit services for each program administered by the State Board of Education.

404 (5) Subject to Section 32B-2-302.5, the internal audit division of the Department of
405 Alcoholic Beverage Control shall establish an internal audit program under the direction of the
406 Alcoholic Beverage Control Commission.

407 Section 14. Section 63N-1b-101 is amended to read:

408 **63N-1b-101. Definitions.**

409 As used in this chapter:

410 (1) "Apprenticeship program" means a program that:

411 (a) combines paid on-the-job learning with formal classroom instruction to prepare
412 students for careers; and

413 (b) includes:

414 (i) structured on-the-job learning for students under the supervision of a skilled
415 employee;

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

417 (iii) ongoing student assessments using established competency and skills standards;

418 and

419 (iv) the student receiving an industry-recognized credential or degree upon completion
420 of the program.

421 (2) "Career and technical education region" means an economic service area created in
422 Section 35A-2-101.

423 (3) "High quality professional learning" means the professional learning standards for
424 teachers and principals described in Section 53G-11-303.

425 (4) "Institution of higher education" means the University of Utah, Utah State
426 University, Southern Utah University, Weber State University, Snow College, [~~Dixie State~~]
427 Utah Tech University, Utah Valley University, or Salt Lake Community College.

428 (5) "Local education agency" means a school district, a charter school, or the Utah
429 Schools for the Deaf and the Blind.

430 (6) "Master plan" means the computer science education master plan described in

431 Section 63N-1b-304.

432 (7) "Participating employer" means an employer that:

433 (a) partners with an educational institution on a curriculum for an apprenticeship
434 program or work-based learning program; and

435 (b) provides an apprenticeship or work-based learning program for students.

436 (8) "State board" means the State Board of Education.

437 (9) "Talent program" means the Talent Ready Utah Program created in Section
438 63N-1b-302.

439 (10) "Talent subcommittee" means the Talent, Education, and Industry Alignment
440 Subcommittee created in Section 63N-1b-301.

441 (11) "Technical college" means:

442 (a) the same as that term is defined in Section 53B-1-101.5; and

443 (b) a degree-granting institution acting in the degree-granting institution's technical
444 education role described in Section 53B-2a-201.

445 (12) (a) "Work-based learning program" means a program that combines structured and
446 supervised learning activities with authentic work experiences and that is implemented through
447 industry and education partnerships.

448 (b) "Work-based learning program" includes the following objectives:

449 (i) providing students an applied workplace experience using knowledge and skills
450 attained in a program of study that includes an internship, externship, or work experience;

451 (ii) providing an educational institution with objective input from a participating
452 employer regarding the education requirements of the current workforce; and

453 (iii) providing funding for programs that are associated with high-wage, in-demand, or
454 emerging occupations.

455 (13) "Workforce programs" means education or industry programs that facilitate
456 training the state's workforce to meet industry demand.

457 Section 15. **Effective date.**

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