

DIXIE STATE COLLEGE - UNIVERSITY STATUS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

Senate Sponsor: _____

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:

~~H→ [This bill appropriates:~~

~~→ to Dixie State University - Education and General, as an ongoing appropriation:~~

~~• from the Education Fund, \$4,000,000.] None ←H~~

Other Special Clauses:

~~H→ [This bill takes effect on July 1, 2013.] This bill provides an immediate effective date. ←H~~

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



- 28 **53B-2a-108**, as last amended by Laws of Utah 2009, Chapter 346
- 29 **53B-3-102**, as last amended by Laws of Utah 2010, Chapter 211
- 30 **53B-8-101**, as last amended by Laws of Utah 2010, Chapter 211
- 31 **53B-8-103**, as last amended by Laws of Utah 2009, Chapter 363
- 32 **53B-16-501**, as enacted by Laws of Utah 2010, Chapter 147
- 33 **76-8-701**, as last amended by Laws of Utah 2010, Chapter 211

34 ENACTS:

35 **53B-2-111**, Utah Code Annotated 1953



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

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

39 **53A-1a-501.3. Definitions.**

40 As used in this part:

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

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

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

- 52 (a) the board of trustees of:
 - 53 (i) the University of Utah;
 - 54 (ii) Utah State University;
 - 55 (iii) Weber State University;
 - 56 (iv) Southern Utah University;
 - 57 (v) Snow College;
 - 58 (vi) Dixie State [~~College of Utah~~] University;

- 59 (vii) Utah Valley University; or
- 60 (viii) Salt Lake Community College; or
- 61 (b) the campus board of directors of a college campus within the Utah College of
- 62 Applied Technology.

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

64 school.

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

66 **53B-1-102. State system of higher education.**

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

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

80 (2) A change in the name of an institution within the system of higher education shall

81 not be considered a change in the role or mission of the institution, unless otherwise authorized

82 by the State Board of Regents.

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

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

85 (4) These institutions are empowered to sue and be sued and to contract and be

86 contracted with.

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

88 **53B-2-101. Institutions of higher education -- Corporate bodies -- Powers.**

89 (1) The following institutions of higher education are bodies politic and corporate with

90 perpetual succession and with all rights, immunities, and franchises necessary to function as
91 such:

- 92 (a) the University of Utah;
- 93 (b) Utah State University;
- 94 (c) Weber State University;
- 95 (d) Southern Utah University;
- 96 (e) Snow College;
- 97 (f) Dixie State [~~College of Utah~~] University;
- 98 (g) Utah Valley University;
- 99 (h) Salt Lake Community College; and
- 100 (i) the Utah College of Applied Technology.

101 (2) (a) Each institution may have and use a corporate seal and may, subject to Section
102 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the
103 institution requires.

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

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

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

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

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

116 **53B-2-111. Dixie State University -- Institutional name change.**

117 (1) Beginning July 1, 2013, Dixie State College of Utah shall be known as Dixie State
118 University.

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

- 120 (a) possess all rights, titles, privileges, powers, immunities, franchises, endowments,

121 property, and claims of Dixie State College of Utah; and
122 (b) fulfill and perform all obligations of Dixie State College of Utah, including
123 obligations relating to outstanding bonds and notes.

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

125 **53B-2a-108. Campus boards of directors -- Membership -- Appointments.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

151 (3) the Davis Applied Technology College Campus Board of Directors shall be

152 composed of the following 10 members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

183 Wasatch School District;

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

185 Park City School District;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

213 (8) the Dixie Applied Technology College Campus Board of Directors shall be

214 composed of the following 10 members:

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

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

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

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

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

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

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

227 (d) appointed on a nonpartisan basis.

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

229 **53B-3-102. State institution of higher education defined.**

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

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

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

238 **53B-8-101. Waiver of tuition.**

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

243 (b) Two and a half percent of the waivers designated in Subsection (1)(a) shall be set
244 aside for members of the Utah National Guard. Waivers shall be preserved by the student at

245 least 60 days before the beginning of an academic term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

275 (4) A president may waive all or part of the difference between resident and

276 nonresident tuition in the case of meritorious graduate students and nonresident summer school
277 students.

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

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

283 **53B-8-103. Waiver of nonresident differential in tuition rates -- Dixie State**
284 **University good neighbor tuition waivers.**

285 (1) Notwithstanding any other provision of law:

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

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

291 (A) enhance educational opportunities for Utah residents;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

328 **53B-16-501. Nonprofit corporations or foundations -- Purpose.**

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

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

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

337 **76-8-701. Definitions.**

338 For the purposes of this part:

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

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

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

351 ~~H~~→ [Section 11. Appropriation:

352 ~~———— (1) Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act,~~
353 ~~for the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of~~
354 ~~money are appropriated from resources not otherwise appropriated, or reduced from amounts~~
355 ~~previously appropriated, out of the funds or accounts indicated. These sums of money are in~~
356 ~~addition to any amounts previously appropriated for fiscal year 2014.~~

357	———— To Dixie State University - Education and General	
358	———— From Education Fund	———— \$4,000,000
359	———— Schedule of Programs:	
360	———— Education and General	———— \$4,000,000

361 ~~———— (2) The Legislature intends that the appropriation under Subsection (1) be used to~~
362 ~~provide infrastructure and meet benchmarks that will facilitate the transition from college to~~
363 ~~university status, including increased efficiency and expediency of instructional delivery and~~
364 ~~developing capacity partnerships with other institutions.] ←H~~

365 Section ~~H~~→ [12.] 11. ←H Effective date.

366 ~~H~~→ [This bill takes effect on July 1, 2013.] If approved by two-thirds of all the members
366a elected to each house, this bill takes effect upon approval by the governor, or the day following
366b the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's
366c signature, or in the case of a veto, the date of veto override. ←H

Legislative Review Note
as of 10-10-12 1:19 PM

Office of Legislative Research and General Counsel