

1 **Higher Education Hiring Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions regarding the hiring process of an institution of higher
6 education president.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ expands the duties of a search committee for an institution of higher education president;

10 ▶ requires a search committee to:

11 • protect candidate confidentiality, including by meeting in closed executive sessions;

12 and

13 • recommend a single finalist to the Utah Board of Higher Education (board);

14 ▶ maintains all presidential application materials as protected records;

15 ▶ requires an open and public meeting of the board for final hiring action of a president; and

16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **53B-1-402**, as last amended by Laws of Utah 2024, Chapters 144, 378

24 **53B-2-102**, as last amended by Laws of Utah 2023, Chapter 254

25 **63G-2-305**, as last amended by Laws of Utah 2024, Chapters 18, 101, 135, 267, 344, and

26 522

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

29 Section 1. Section **53B-1-402** is amended to read:

30 **53B-1-402 . Establishment of board -- Powers, duties, and authority -- Reports.**

- 31 (1)(a) There is established the Utah Board of Higher Education, which:
- 32 (i) is the governing board for the institutions of higher education; and
- 33 (ii) controls, oversees, and regulates the Utah System of Higher Education in a
- 34 manner consistent with the purpose of this title and the specific powers and
- 35 responsibilities granted to the board.
- 36 (b)(i) The University of Utah shall provide administrative support for the board.
- 37 (ii) Notwithstanding Subsection (1)(b)(i), the board shall maintain the board's
- 38 independence, including in relation to the powers and responsibilities granted to
- 39 the board.
- 40 (2) The board shall:
- 41 (a) establish and promote a state-level vision and goals for higher education that
- 42 emphasize data-driven retrospective and prospective system priorities, including:
- 43 (i) quality;
- 44 (ii) affordability;
- 45 (iii) access and equity;
- 46 (iv) completion;
- 47 (v) workforce alignment and preparation for high-quality jobs; and
- 48 (vi) economic growth;
- 49 (b) establish system policies and practices that advance the vision and goals;
- 50 (c) establish metrics to demonstrate and monitor:
- 51 (i) performance related to the goals; and
- 52 (ii) performance on measures of operational efficiency;
- 53 (d) collect and analyze data including economic data, demographic data, and data related
- 54 to the metrics;
- 55 (e) govern data quality and collection across institutions;
- 56 (f) establish, approve, and oversee each institution's mission and role in accordance with
- 57 Section 53B-16-101;
- 58 (g) assess an institution's performance in accomplishing the institution's mission and role;
- 59 (h) participate in the establishment and review of programs of instruction in accordance
- 60 with Section 53B-16-102;
- 61 (i) perform the following duties related to an institution of higher education president,
- 62 including:
- 63 (i) hiring an institution of higher education president in accordance with Section
- 64 53B-2-102;

- 65 (ii) through the commissioner and the board's executive committee:
- 66 (A) providing support and guidance to an institution of higher education president;
- 67 and
- 68 (B) evaluating an institution of higher education president based on institution
- 69 performance and progress toward systemwide priorities;
- 70 (iii) setting the terms of employment for an institution of higher education president,
- 71 including performance-based compensation, through an employment contract or
- 72 another method of establishing employment; and
- 73 (iv) establishing, through a [~~public~~] private process, a statewide succession plan to
- 74 develop potential institution presidents from within the system;
- 75 (j) create and implement a strategic finance plan for higher education, including by:
- 76 (i) establishing comprehensive budget and finance priorities for academic education
- 77 and technical education;
- 78 (ii) allocating statewide resources to institutions;
- 79 (iii) setting tuition for each institution;
- 80 (iv) administering state financial aid programs;
- 81 (v) administering performance funding in accordance with Chapter 7, Part 7,
- 82 Performance Funding; and
- 83 (vi) developing a strategic capital facility plan and prioritization process in
- 84 accordance with Chapter 22, Part 2, Capital Developments, and Sections
- 85 53B-2a-117 and 53B-2a-118;
- 86 (k) create and annually report to the Higher Education Appropriations Subcommittee on
- 87 a seamless articulated education system for Utah students that responds to changing
- 88 demographics and workforce, including by:
- 89 (i) providing for statewide prior learning assessment, in accordance with Section
- 90 53B-16-110;
- 91 (ii) establishing and maintaining clear pathways for articulation and transfer, in
- 92 accordance with Section 53B-16-105;
- 93 (iii) establishing degree program requirement guidelines, including credit hour limits;
- 94 (iv) aligning general education requirements across degree-granting institutions;
- 95 (v) coordinating and incentivizing collaboration and partnerships between institutions
- 96 in delivering programs;
- 97 (vi) coordinating distance delivery of programs;
- 98 (vii) coordinating work-based learning; and

- 99 (viii) emphasizing the system priorities and metrics described in Subsections (2)(a)
100 and (c);
- 101 (l) coordinate with the public education system:
- 102 (i) regarding public education programs that provide postsecondary credit or
103 certificates; and
- 104 (ii) to ensure that an institution of higher education providing technical education
105 serves secondary students in the public education system;
- 106 (m) delegate to an institution board of trustees certain duties related to institution
107 governance including:
- 108 (i) guidance and support for the institution president;
- 109 (ii) effective administration;
- 110 (iii) the institution's responsibility for contributing to progress toward achieving
111 systemwide goals; and
- 112 (iv) other responsibilities determined by the board;
- 113 (n) delegate to an institution of higher education president management of the institution
114 of higher education;
- 115 (o) consult with an institution of higher education board of trustees or institution of
116 higher education president before acting on matters pertaining to the institution of
117 higher education;
- 118 (p) maximize efficiency throughout the Utah System of Higher Education by identifying
119 and establishing shared administrative services, beginning with:
- 120 (i) commercialization;
- 121 (ii) services for compliance with Title IX of the Education Amendments of 1972, 20
122 U.S.C. Sec. 1681 et seq.;
- 123 (iii) information technology services; and
- 124 (iv) human resources, payroll, and benefits administration;
- 125 (q) develop strategies for providing higher education, including career and technical
126 education, in rural areas;
- 127 (r) manage and facilitate a process for initiating, prioritizing, and implementing
128 education reform initiatives, beginning with common applications and direct
129 admissions;
- 130 (s) provide ongoing quality review of programs;
- 131 (t) before each annual legislative general session, provide to the Higher Education
132 Appropriations Subcommittee a prioritization of all projects and proposals for which

- 133 the board or an institution of higher education seeks an appropriation; and
134 (u) coordinate with the Department of Corrections to establish educational programs for
135 inmates as described in Section 64-13-6.
- 136 (3) The board shall submit an annual report of the board's activities and performance
137 against the board's goals and metrics to:
- 138 (a) the Education Interim Committee;
139 (b) the Higher Education Appropriations Subcommittee;
140 (c) the governor; and
141 (d) each institution of higher education.
- 142 (4) The board shall prepare and submit an annual report detailing the board's progress and
143 recommendations on workforce related issues, including career and technical education,
144 to the governor and to the Education Interim Committee by October 31 of each year,
145 including information detailing:
- 146 (a) how institutions of higher education are meeting the career and technical education
147 needs of secondary students;
148 (b) how the system emphasized high demand, high wage, and high skill jobs in business
149 and industry;
150 (c) performance outcomes, including:
151 (i) entered employment;
152 (ii) job retention; and
153 (iii) earnings;
154 (d) an analysis of workforce needs and efforts to meet workforce needs; and
155 (e) student tuition and fees.
- 156 (5) The board may modify the name of an institution of higher education to reflect the role
157 and general course of study of the institution.
- 158 (6) The board may not take action relating to merging a technical college with another
159 institution of higher education without legislative approval.
- 160 (7) This section does not affect the power and authority vested in the State Board of
161 Education to apply for, accept, and manage federal appropriations for the establishment
162 and maintenance of career and technical education.
- 163 (8) The board shall ensure that any training or certification that an employee of the higher
164 education system is required to complete under this title or by board rule complies with
165 Title 63G, Chapter 22, State Training and Certification Requirements.
- 166 (9) The board shall demonstrate compliance with Subsection (2)(p) by providing to the

- 167 Higher Education Appropriations Subcommittee:
- 168 (a) on or before October 1, 2024, evidence of implementation of at least one shared
169 administrative service;
- 170 (b) on or before October 1, 2025, evidence of implementation of at least two shared
171 administrative services; and
- 172 (c) on or before October 1, 2026, evidence of implementation of at least three shared
173 administrative services.

174 (10) If the Higher Education Appropriations Subcommittee finds the board to be out of
175 compliance with Subsection (9), the Legislature shall:

- 176 (a) deduct 10% of the appropriation described in Section 53B-7-703 for the following
177 fiscal year; and
- 178 (b) deduct an additional 10% of the appropriation described in Section 53B-7-703 for
179 each subsequent year of noncompliance up to a maximum deduction of 30%.

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

181 **53B-2-102 . Appointment of institution of higher education presidents.**

182 (1) As used in this section:

- 183 (a) "Institution of higher education" means:
- 184 (i) a degree-granting institution; or
- 185 (ii) a technical college.
- 186 (b) "President" means the president of an institution of higher education.
- 187 (c) "Search committee" means a committee that selects finalists for a position as an
188 institution of higher education president.

189 (2) The board shall appoint a president for each institution of higher education.

190 (3) ~~[An institution of higher education]~~ A president serves in accordance with the terms of
191 employment that the board establishes as described in Section 53B-1-402.

192 (4)(a)(i) Except as provided in Subsection (4)(a)(ii), to appoint ~~[an institution of~~
193 ~~higher education]~~ a president, the board shall establish a search committee that
194 includes representatives of faculty, staff, students, the institution of higher
195 education board of trustees, alumni, the outgoing ~~[institution of higher education]~~
196 president's executive council or cabinet, and the board.

197 (ii) The board may delegate the authority to appoint the search committee ~~[described~~
198 ~~in Subsection (4)(a)(i)]~~ to an institution of higher education board of trustees.

199 (iii) The commissioner shall provide staff support to a search committee.

200 (b)(i) Except as provided in Subsection (4)(b)(ii), ~~[a search committee shall be~~

- 201 ~~co~~chaired by] a member of the board and a member of the institution of higher
 202 education board of trustees shall cochair a search committee.
- 203 (ii) The board may delegate the authority to chair a search committee to the
 204 institution of higher education board trustees.
- 205 (c) A search committee [~~described in Subsection (4)(a)~~] shall forward three to five
 206 finalists] shall:
- 207 (i) respect and protect candidate confidentiality; and
 208 (ii) through closed executive sessions:
- 209 (A) review prospective candidates; and
 210 (B) forward one finalist to the board to consider for a position as [~~an institution of~~
 211 ~~higher education~~] a president.
- 212 (d) A search committee may not forward an individual to the board as a finalist unless [
 213 ~~two-thirds~~] a majority of the search committee members, as verified by the
 214 commissioner, find the individual to be qualified and likely to succeed as [~~an~~
 215 ~~institution of higher education~~] a president.
- 216 (5)(a) The board shall select an institution of higher education president [~~from among~~
 217 ~~the finalists presented by~~] whom a search committee presents to the board under
 218 Subsections (4)(c) and (5)(b).
- 219 (b) If the board is not satisfied with [~~the finalists forwarded by a~~] the finalist the search
 220 committee presents to the board, the board may direct the search committee to
 221 resume the search process until the search committee [~~has forwarded three finalists~~
 222 ~~with whom the board is satisfied~~] presents a finalist whom the board approves.
- 223 (6) The board, through the commissioner, shall:
- 224 (a) create a comprehensive, active recruiting plan to ensure a strong, diverse pool of
 225 potential candidates for [~~institution of higher education~~] presidents; and
- 226 (b) review, in a closed executive session, individuals from within the system whose
 227 candidacy may be considered for future applicant pools in relation to the succession
 228 plan described in Section 53B-1-402.
- 229 (7)[~~(a) Except as provided in Subsection (7)(b), a~~] A record or information gathered or
 230 generated during the search process, including a candidate's application and the
 231 search committee's deliberations, is confidential and is a protected record under
 232 Section 63G-2-305.
- 233 [(b) Application materials for a publicly named finalist described in Subsection (5)(a)
 234 are not protected records under Section 63G-2-305.]

235 (8) The board shall take final hiring action of a president in an open and public board
236 meeting.

237 Section 3. Section **63G-2-305** is amended to read:

238 **63G-2-305 . Protected records.**

239 The following records are protected if properly classified by a governmental entity:

- 240 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has
241 provided the governmental entity with the information specified in Section 63G-2-309;
- 242 (2) commercial information or nonindividual financial information obtained from a person
243 if:
- 244 (a) disclosure of the information could reasonably be expected to result in unfair
245 competitive injury to the person submitting the information or would impair the
246 ability of the governmental entity to obtain necessary information in the future;
- 247 (b) the person submitting the information has a greater interest in prohibiting access than
248 the public in obtaining access; and
- 249 (c) the person submitting the information has provided the governmental entity with the
250 information specified in Section 63G-2-309;
- 251 (3) commercial or financial information acquired or prepared by a governmental entity to
252 the extent that disclosure would lead to financial speculations in currencies, securities, or
253 commodities that will interfere with a planned transaction by the governmental entity or
254 cause substantial financial injury to the governmental entity or state economy;
- 255 (4) records, the disclosure of which could cause commercial injury to, or confer a
256 competitive advantage upon a potential or actual competitor of, a commercial project
257 entity as defined in Subsection 11-13-103(4);
- 258 (5) test questions and answers to be used in future license, certification, registration,
259 employment, or academic examinations;
- 260 (6) records, the disclosure of which would impair governmental procurement proceedings
261 or give an unfair advantage to any person proposing to enter into a contract or agreement
262 with a governmental entity, except, subject to Subsections (1) and (2), that this
263 Subsection (6) does not restrict the right of a person to have access to, after the contract
264 or grant has been awarded and signed by all parties:
- 265 (a) a bid, proposal, application, or other information submitted to or by a governmental
266 entity in response to:
- 267 (i) an invitation for bids;
- 268 (ii) a request for proposals;

- 269 (iii) a request for quotes;
- 270 (iv) a grant; or
- 271 (v) other similar document; or
- 272 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 273 (7) information submitted to or by a governmental entity in response to a request for
- 274 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not
- 275 restrict the right of a person to have access to the information, after:
- 276 (a) a contract directly relating to the subject of the request for information has been
- 277 awarded and signed by all parties; or
- 278 (b)(i) a final determination is made not to enter into a contract that relates to the
- 279 subject of the request for information; and
- 280 (ii) at least two years have passed after the day on which the request for information
- 281 is issued;
- 282 (8) records that would identify real property or the appraisal or estimated value of real or
- 283 personal property, including intellectual property, under consideration for public
- 284 acquisition before any rights to the property are acquired unless:
- 285 (a) public interest in obtaining access to the information is greater than or equal to the
- 286 governmental entity's need to acquire the property on the best terms possible;
- 287 (b) the information has already been disclosed to persons not employed by or under a
- 288 duty of confidentiality to the entity;
- 289 (c) in the case of records that would identify property, potential sellers of the described
- 290 property have already learned of the governmental entity's plans to acquire the
- 291 property;
- 292 (d) in the case of records that would identify the appraisal or estimated value of
- 293 property, the potential sellers have already learned of the governmental entity's
- 294 estimated value of the property; or
- 295 (e) the property under consideration for public acquisition is a single family residence
- 296 and the governmental entity seeking to acquire the property has initiated negotiations
- 297 to acquire the property as required under Section 78B-6-505;
- 298 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
- 299 transaction of real or personal property including intellectual property, which, if
- 300 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
- 301 value of the subject property, unless:
- 302 (a) the public interest in access is greater than or equal to the interests in restricting

- 303 access, including the governmental entity's interest in maximizing the financial
304 benefit of the transaction; or
- 305 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
306 the value of the subject property have already been disclosed to persons not
307 employed by or under a duty of confidentiality to the entity;
- 308 (10) records created or maintained for civil, criminal, or administrative enforcement
309 purposes or audit purposes, or for discipline, licensing, certification, or registration
310 purposes, if release of the records:
- 311 (a) reasonably could be expected to interfere with investigations undertaken for
312 enforcement, discipline, licensing, certification, or registration purposes;
- 313 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
314 proceedings;
- 315 (c) would create a danger of depriving a person of a right to a fair trial or impartial
316 hearing;
- 317 (d) reasonably could be expected to disclose the identity of a source who is not generally
318 known outside of government and, in the case of a record compiled in the course of
319 an investigation, disclose information furnished by a source not generally known
320 outside of government if disclosure would compromise the source; or
- 321 (e) reasonably could be expected to disclose investigative or audit techniques,
322 procedures, policies, or orders not generally known outside of government if
323 disclosure would interfere with enforcement or audit efforts;
- 324 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 325 (12) records the disclosure of which would jeopardize the security of governmental
326 property, governmental programs, or governmental recordkeeping systems from
327 damage, theft, or other appropriation or use contrary to law or public policy;
- 328 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
329 facility, or records relating to incarceration, treatment, probation, or parole, that would
330 interfere with the control and supervision of an offender's incarceration, treatment,
331 probation, or parole;
- 332 (14) records that, if disclosed, would reveal recommendations made to the Board of
333 Pardons and Parole by an employee of or contractor for the Department of Corrections,
334 the Board of Pardons and Parole, or the Department of Health and Human Services that
335 are based on the employee's or contractor's supervision, diagnosis, or treatment of any
336 person within the board's jurisdiction;

- 337 (15) records and audit workpapers that identify audit, collection, and operational procedures
338 and methods used by the State Tax Commission, if disclosure would interfere with
339 audits or collections;
- 340 (16) records of a governmental audit agency relating to an ongoing or planned audit until
341 the final audit is released;
- 342 (17) records that are subject to the attorney client privilege;
- 343 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
344 employee, or agent of a governmental entity for, or in anticipation of, litigation or a
345 judicial, quasi-judicial, or administrative proceeding;
- 346 (19)(a)(i) personal files of a state legislator, including personal correspondence to or
347 from a member of the Legislature; and
- 348 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
349 legislative action or policy may not be classified as protected under this section;
350 and
- 351 (b)(i) an internal communication that is part of the deliberative process in connection
352 with the preparation of legislation between:
- 353 (A) members of a legislative body;
- 354 (B) a member of a legislative body and a member of the legislative body's staff; or
- 355 (C) members of a legislative body's staff; and
- 356 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
357 legislative action or policy may not be classified as protected under this section;
- 358 (20)(a) records in the custody or control of the Office of Legislative Research and
359 General Counsel, that, if disclosed, would reveal a particular legislator's
360 contemplated legislation or contemplated course of action before the legislator has
361 elected to support the legislation or course of action, or made the legislation or course
362 of action public; and
- 363 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
364 Office of Legislative Research and General Counsel is a public document unless a
365 legislator asks that the records requesting the legislation be maintained as protected
366 records until such time as the legislator elects to make the legislation or course of
367 action public;
- 368 (21) a research request from a legislator to a legislative staff member and research findings
369 prepared in response to the request;
- 370 (22) drafts, unless otherwise classified as public;

- 371 (23) records concerning a governmental entity's strategy about:
372 (a) collective bargaining; or
373 (b) imminent or pending litigation;
- 374 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
375 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
376 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 377 (25) records, other than personnel evaluations, that contain a personal recommendation
378 concerning an individual if disclosure would constitute a clearly unwarranted invasion
379 of personal privacy, or disclosure is not in the public interest;
- 380 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
381 resources that if known would jeopardize the security of those resources or of valuable
382 historic, scientific, educational, or cultural information;
- 383 (27) records of independent state agencies if the disclosure of the records would conflict
384 with the fiduciary obligations of the agency;
- 385 (28) records of an institution within the state system of higher education defined in Section
386 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
387 retention decisions, and promotions, which could be properly discussed in a meeting
388 closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided
389 that records of the final decisions about tenure, appointments, retention, promotions, or
390 those students admitted, may not be classified as protected under this section;
- 391 (29) records of the governor's office, including budget recommendations, legislative
392 proposals, and policy statements, that if disclosed would reveal the governor's
393 contemplated policies or contemplated courses of action before the governor has
394 implemented or rejected those policies or courses of action or made them public;
- 395 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
396 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
397 recommendations in these areas;
- 398 (31) records provided by the United States or by a government entity outside the state that
399 are given to the governmental entity with a requirement that they be managed as
400 protected records if the providing entity certifies that the record would not be subject to
401 public disclosure if retained by it;
- 402 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
403 public body except as provided in Section 52-4-206;
- 404 (33) records that would reveal the contents of settlement negotiations but not including final

- 405 settlements or empirical data to the extent that they are not otherwise exempt from
406 disclosure;
- 407 (34) memoranda prepared by staff and used in the decision-making process by an
408 administrative law judge, a member of the Board of Pardons and Parole, or a member of
409 any other body charged by law with performing a quasi-judicial function;
- 410 (35) records that would reveal negotiations regarding assistance or incentives offered by or
411 requested from a governmental entity for the purpose of encouraging a person to expand
412 or locate a business in Utah, but only if disclosure would result in actual economic harm
413 to the person or place the governmental entity at a competitive disadvantage, but this
414 section may not be used to restrict access to a record evidencing a final contract;
- 415 (36) materials to which access must be limited for purposes of securing or maintaining the
416 governmental entity's proprietary protection of intellectual property rights including
417 patents, copyrights, and trade secrets;
- 418 (37) the name of a donor or a prospective donor to a governmental entity, including an
419 institution within the state system of higher education defined in Section 53B-1-102, and
420 other information concerning the donation that could reasonably be expected to reveal
421 the identity of the donor, provided that:
- 422 (a) the donor requests anonymity in writing;
- 423 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
424 classified protected by the governmental entity under this Subsection (37); and
- 425 (c) except for an institution within the state system of higher education defined in
426 Section 53B-1-102, the governmental unit to which the donation is made is primarily
427 engaged in educational, charitable, or artistic endeavors, and has no regulatory or
428 legislative authority over the donor, a member of the donor's immediate family, or
429 any entity owned or controlled by the donor or the donor's immediate family;
- 430 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 431 (39) a notification of workers' compensation insurance coverage described in Section
432 34A-2-205;
- 433 (40)(a) the following records of an institution within the state system of higher education
434 defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
435 or received by or on behalf of faculty, staff, employees, or students of the institution:
- 436 (i) unpublished lecture notes;
- 437 (ii) unpublished notes, data, and information:
- 438 (A) relating to research; and

- 439 (B) of:
- 440 (I) the institution within the state system of higher education defined in Section
441 53B-1-102; or
- 442 (II) a sponsor of sponsored research;
- 443 (iii) unpublished manuscripts;
- 444 (iv) creative works in process;
- 445 (v) scholarly correspondence; and
- 446 (vi) confidential information contained in research proposals;
- 447 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information
448 required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 449 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 450 (41)(a) records in the custody or control of the Office of the Legislative Auditor General
451 that would reveal the name of a particular legislator who requests a legislative audit
452 prior to the date that audit is completed and made public; and
- 453 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
454 Office of the Legislative Auditor General is a public document unless the legislator
455 asks that the records in the custody or control of the Office of the Legislative Auditor
456 General that would reveal the name of a particular legislator who requests a
457 legislative audit be maintained as protected records until the audit is completed and
458 made public;
- 459 (42) records that provide detail as to the location of an explosive, including a map or other
460 document that indicates the location of:
- 461 (a) a production facility; or
- 462 (b) a magazine;
- 463 (43) information contained in the statewide database of the Division of Aging and Adult
464 Services created by Section 26B-6-210;
- 465 (44) information contained in the Licensing Information System described in Title 80,
466 Chapter 2, Child Welfare Services;
- 467 (45) information regarding National Guard operations or activities in support of the
468 National Guard's federal mission;
- 469 (46) records provided by any pawn or secondhand business to a law enforcement agency or
470 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand
471 Merchandise, and Catalytic Converter Transaction Information Act;
- 472 (47) information regarding food security, risk, and vulnerability assessments performed by

- 473 the Department of Agriculture and Food;
- 474 (48) except to the extent that the record is exempt from this chapter pursuant to Section
475 63G-2-106, records related to an emergency plan or program, a copy of which is
476 provided to or prepared or maintained by the Division of Emergency Management, and
477 the disclosure of which would jeopardize:
- 478 (a) the safety of the general public; or
479 (b) the security of:
- 480 (i) governmental property;
481 (ii) governmental programs; or
482 (iii) the property of a private person who provides the Division of Emergency
483 Management information;
- 484 (49) records of the Department of Agriculture and Food that provides for the identification,
485 tracing, or control of livestock diseases, including any program established under Title
486 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
487 of Animal Disease;
- 488 (50) as provided in Section 26B-2-709:
- 489 (a) information or records held by the Department of Health and Human Services related
490 to a complaint regarding a provider, program, or facility which the department is
491 unable to substantiate; and
492 (b) information or records related to a complaint received by the Department of Health
493 and Human Services from an anonymous complainant regarding a provider, program,
494 or facility;
- 495 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided
496 under Section 41-1a-116, an individual's home address, home telephone number, or
497 personal mobile phone number, if:
- 498 (a) the individual is required to provide the information in order to comply with a law,
499 ordinance, rule, or order of a government entity; and
500 (b) the subject of the record has a reasonable expectation that this information will be
501 kept confidential due to:
- 502 (i) the nature of the law, ordinance, rule, or order; and
503 (ii) the individual complying with the law, ordinance, rule, or order;
- 504 (52) the portion of the following documents that contains a candidate's residential or
505 mailing address, if the candidate provides to the filing officer another address or phone
506 number where the candidate may be contacted:

- 507 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
508 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,
509 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 510 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 511 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 512 (53) the name, home address, work addresses, and telephone numbers of an individual that
513 is engaged in, or that provides goods or services for, medical or scientific research that is:
- 514 (a) conducted within the state system of higher education, as defined in Section
515 53B-1-102; and
- 516 (b) conducted using animals;
- 517 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
518 Evaluation Commission concerning an individual commissioner's vote, in relation to
519 whether a judge meets or exceeds minimum performance standards under Subsection
520 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 521 (55) information collected and a report prepared by the Judicial Performance Evaluation
522 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,
523 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes
524 public, the information or report;
- 525 (56) records provided or received by the Public Lands Policy Coordinating Office in
526 furtherance of any contract or other agreement made in accordance with Section
527 63L-11-202;
- 528 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 529 (58) in accordance with Section 73-10-33:
- 530 (a) a management plan for a water conveyance facility in the possession of the Division
531 of Water Resources or the Board of Water Resources; or
- 532 (b) an outline of an emergency response plan in possession of the state or a county or
533 municipality;
- 534 (59) the following records in the custody or control of the Office of Inspector General of
535 Medicaid Services, created in Section 63A-13-201:
- 536 (a) records that would disclose information relating to allegations of personal
537 misconduct, gross mismanagement, or illegal activity of a person if the information
538 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
539 Services through other documents or evidence, and the records relating to the
540 allegation are not relied upon by the Office of Inspector General of Medicaid

- 541 Services in preparing a final investigation report or final audit report;
- 542 (b) records and audit workpapers to the extent they would disclose the identity of a
543 person who, during the course of an investigation or audit, communicated the
544 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
545 violation of a law, rule, or regulation adopted under the laws of this state, a political
546 subdivision of the state, or any recognized entity of the United States, if the
547 information was disclosed on the condition that the identity of the person be
548 protected;
- 549 (c) before the time that an investigation or audit is completed and the final investigation
550 or final audit report is released, records or drafts circulated to a person who is not an
551 employee or head of a governmental entity for the person's response or information;
- 552 (d) records that would disclose an outline or part of any investigation, audit survey plan,
553 or audit program; or
- 554 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
555 investigation or audit;
- 556 (60) records that reveal methods used by the Office of Inspector General of Medicaid
557 Services, the fraud unit, or the Department of Health and Human Services, to discover
558 Medicaid fraud, waste, or abuse;
- 559 (61) information provided to the Department of Health and Human Services or the Division
560 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
561 58-68-304(3) and (4);
- 562 (62) a record described in Section 63G-12-210;
- 563 (63) captured plate data that is obtained through an automatic license plate reader system
564 used by a governmental entity as authorized in Section 41-6a-2003;
- 565 (64) an audio or video recording created by a body-worn camera, as that term is defined in
566 Section 77-7a-103, that records sound or images inside a hospital or health care facility
567 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,
568 as that term is defined in Section 78B-3-403, or inside a human service program as that
569 term is defined in Section 26B-2-101, except for recordings that:
- 570 (a) depict the commission of an alleged crime;
- 571 (b) record any encounter between a law enforcement officer and a person that results in
572 death or bodily injury, or includes an instance when an officer fires a weapon;
- 573 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
574 law enforcement officer or law enforcement agency;

- 575 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);
576 or
- 577 (e) have been requested for reclassification as a public record by a subject or authorized
578 agent of a subject featured in the recording;
- 579 (65) a record pertaining to the search process for a president of an institution of higher
580 education described in Section 53B-2-102[~~except for application materials for a~~
581 ~~publicly announced finalist~~];
- 582 (66) an audio recording that is:
- 583 (a) produced by an audio recording device that is used in conjunction with a device or
584 piece of equipment designed or intended for resuscitating an individual or for treating
585 an individual with a life-threatening condition;
- 586 (b) produced during an emergency event when an individual employed to provide law
587 enforcement, fire protection, paramedic, emergency medical, or other first responder
588 service:
- 589 (i) is responding to an individual needing resuscitation or with a life-threatening
590 condition; and
- 591 (ii) uses a device or piece of equipment designed or intended for resuscitating an
592 individual or for treating an individual with a life-threatening condition; and
- 593 (c) intended and used for purposes of training emergency responders how to improve
594 their response to an emergency situation;
- 595 (67) records submitted by or prepared in relation to an applicant seeking a recommendation
596 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the
597 Audit Subcommittee, established under Section 36-12-8, for an employment position
598 with the Legislature;
- 599 (68) work papers as defined in Section 31A-2-204;
- 600 (69) a record made available to Adult Protective Services or a law enforcement agency
601 under Section 61-1-206;
- 602 (70) a record submitted to the Insurance Department in accordance with Section
603 31A-37-201;
- 604 (71) a record described in Section 31A-37-503;
- 605 (72) any record created by the Division of Professional Licensing as a result of Subsection
606 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 607 (73) a record described in Section 72-16-306 that relates to the reporting of an injury
608 involving an amusement ride;

- 609 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a
610 political petition, or on a request to withdraw a signature from a political petition,
611 including a petition or request described in the following titles:
- 612 (a) Title 10, Utah Municipal Code;
 - 613 (b) Title 17, Counties;
 - 614 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
 - 615 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
 - 616 (e) Title 20A, Election Code;
- 617 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a
618 voter registration record;
- 619 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature
620 described in Subsection (74) or (75), in the custody of the lieutenant governor or a local
621 political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 622 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5,
623 Victims Guidelines for Prosecutors Act;
- 624 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 625 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is
626 prohibited under Section 63G-26-103;
- 627 (80) an image taken of an individual during the process of booking the individual into jail,
628 unless:
- 629 (a) the individual is convicted of a criminal offense based upon the conduct for which
630 the individual was incarcerated at the time the image was taken;
 - 631 (b) a law enforcement agency releases or disseminates the image:
 - 632 (i) after determining that the individual is a fugitive or an imminent threat to an
633 individual or to public safety and releasing or disseminating the image will assist
634 in apprehending the individual or reducing or eliminating the threat; or
 - 635 (ii) to a potential witness or other individual with direct knowledge of events relevant
636 to a criminal investigation or criminal proceeding for the purpose of identifying or
637 locating an individual in connection with the criminal investigation or criminal
638 proceeding;
 - 639 (c) a judge orders the release or dissemination of the image based on a finding that the
640 release or dissemination is in furtherance of a legitimate law enforcement interest; or
 - 641 (d) the image is displayed to a person who is permitted to view the image under Section
642 17-22-30[-] ;

- 643 (81) a record:
- 644 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 645 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
646 representative from another state or the federal government as provided in Section
647 63M-14-205; and
- 648 (c) the disclosure of which would:
- 649 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
650 Colorado River system;
- 651 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
652 negotiate the best terms and conditions regarding the use of water in the Colorado
653 River system; or
- 654 (iii) give an advantage to another state or to the federal government in negotiations
655 regarding the use of water in the Colorado River system;
- 656 (82) any part of an application described in Section 63N-16-201 that the Governor's Office
657 of Economic Opportunity determines is nonpublic, confidential information that if
658 disclosed would result in actual economic harm to the applicant, but this Subsection (82)
659 may not be used to restrict access to a record evidencing a final contract or approval
660 decision;
- 661 (83) the following records of a drinking water or wastewater facility:
- 662 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
663 and
- 664 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
665 drinking water or wastewater facility uses to secure, or prohibit access to, the records
666 described in Subsection (83)(a);
- 667 (84) a statement that an employee of a governmental entity provides to the governmental
668 entity as part of the governmental entity's personnel or administrative investigation into
669 potential misconduct involving the employee if the governmental entity:
- 670 (a) requires the statement under threat of employment disciplinary action, including
671 possible termination of employment, for the employee's refusal to provide the
672 statement; and
- 673 (b) provides the employee assurance that the statement cannot be used against the
674 employee in any criminal proceeding;
- 675 (85) any part of an application for a Utah Fits All Scholarship account described in Section
676 53F-6-402 or other information identifying a scholarship student as defined in Section

- 677 53F-6-401;
- 678 (86) a record:
- 679 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 680 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 681 person concerning the claim, including a representative from another state or the
- 682 federal government; and
- 683 (c) the disclosure of which would:
- 684 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
- 685 Great Salt Lake;
- 686 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
- 687 and conditions regarding the use of water in the Great Salt Lake; or
- 688 (iii) give an advantage to another person including another state or to the federal
- 689 government in negotiations regarding the use of water in the Great Salt Lake;[~~and~~]
- 690 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is
- 691 reclassified as public as described in Subsection 13-2-11(4)[-]; and
- 692 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 693 (a) concerning a claim to the use of waters;
- 694 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 695 representative from another state, a tribe, the federal government, or other
- 696 government entity as provided in Title 73, Chapter 10g, Part 6, Utah Water Agent;
- 697 and
- 698 (c) the disclosure of which would:
- 699 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 700 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
- 701 regarding the use of water; or
- 702 (iii) give an advantage to another state, a tribe, the federal government, or other
- 703 government entity in negotiations regarding the use of water.

704 **Section 4. Effective Date.**

705 This bill takes effect:

- 706 (1) except as provided in Subsection (2), May 7, 2025; or
- 707 (2) if approved by two-thirds of all members elected to each house:
- 708 (a) upon approval by the governor;
- 709 (b) without the governor's signature, the day following the constitutional time limit of
- 710 Utah Constitution, Article VII, Section 8; or

711 (c) in the case of a veto, the date of veto override.