

1st Sub. S.B. 240
Higher Education Institutional Governance

Senate Amendments

Amendment 1

February 19, 2026 10:43 AM

Senator **Chris H. Wilson** proposes the following amendments:

1. *Line 200 through 206:*

- 200 (i) administrative officers, other cabinet members, and a general counsel described in
201 Section 53H-3-405:
202 (A) who are at-will employees;
203 (B) who serve **the institution** in the administrative, cabinet, or general counsel role at the
204 pleasure of the president; and
205 (C) whom the president may remove at any time; and
206 (ii) deans, faculty members, professional personnel, and support personnel;

2. *Line 283 through 289:*

- 283 (1) Recognizing the status of degree-granting institutions within the Utah System of Higher
284 Education as bodies politic and corporate, the president of a degree-granting institution
285 may appoint attorneys to:
286 (a) provide legal advice to the degree-granting { **institution's administration** } **institution**; and
287 (b) coordinate legal affairs within the degree-granting institution.
288 (2) A degree-granting institution shall fund compensation costs and related office expenses
289 for an attorney described in Subsection (1) within existing budgets.

3. *Line 301 through 306:*

- 301 (iv) serve in or exercise:
302 (A) a role outside the scope of authority that board rules described in Subsection
303 (4) establish; or
304 (B) { **a non-legal administrative role or in another** } **an administrative role, function, or**
office, **except for a primarily legal or regulatory role or as outlined in the board's rules**
described in Subsection (4);
305 and
306 (b) shall cooperate with the Office of the Attorney General in providing legal

4. *Line 307 through 310:*

- 307 representation to a degree-granting institution.
308 (6) Notwithstanding Subsection (1), a president of a degree-granting institution may not
309 appoint, contract, hire, or otherwise retain outside legal counsel for the purpose of

310 prosecuting or defending litigation without the written consent of the attorney general or the
645 attorney general's designee.

5. Line 645 through 661:

645 counsel may not act as an assistant attorney general nor as a special assistant attorney
646 general unless the attorney general [~~shall so authorize~~]authorizes.[.]

647 (3) Unless the attorney general hires [~~such~~] legal counsel from outside the attorney general's
648 office or authorizes the agency to hire outside counsel, the attorney general shall remain the sole
legal counsel for [~~that~~]each agency.[.]

(4) If the attorney general authorizes an agency to hire outside counsel under Subsection
(3), and if the agency hires outside counsel, the agency is responsible for the costs of services
the outside counsel renders to the agency.

649 {~~(4) If outside counsel is hired for an agency, then the attorney general shall approve the~~
650 ~~costs of any services [to be rendered by this counsel shall be approved by the attorney }~~
651 ~~{ general before these costs are incurred}the outside counsel renders before the outside }~~
652 ~~{ counsel incurs the costs.[] }~~

653 {~~(5) (a) The attorney general shall approve all billing statements from outside counsel[}~~
654 ~~{ and } described in this section.~~}

655 {~~(b) The agency shall pay the full costs of [this counsel unless the agency by legislative }~~
656 ~~{ appropriation or in the form of costs, fees, fines, penalties, forfeitures or proceeds }~~
657 ~~{ reserved or designated for the payment of legal fees receives from any other source }~~
658 ~~{ the equivalent cost or a portion thereof, in which case the attorney general may bill }~~
659 ~~{ the agency for the services; provided, the agency may deduct any unreimbursed costs }~~
660 ~~{ and expenses incurred by the agency in connection with the legal service rendered} }~~
661 ~~{ the outside counsel described in Subsection (5)(a). }~~