

**53B-12-102 Separation of duties, responsibilities, funds, liabilities, and expenses -- Appointment of board of directors -- No state or local debt -- Minors eligible for loans.**

- (1) As used in this section, "fiduciary or commercial information" means information:
  - (a) related to any subject if the disclosure of the information:
    - (i) would conflict with fiduciary obligations; or
    - (ii) is prohibited by insider trading provisions; or
  - (b) of a commercial nature, including information related to:
    - (i) account owners or borrowers;
    - (ii) demographic data;
    - (iii) contracts and related payments;
    - (iv) negotiations;
    - (v) proposals or bids;
    - (vi) investments;
    - (vii) the investment and management of funds;
    - (viii) fees and charges;
    - (ix) plan and program design;
    - (x) investment options and underlying investments offered to account owners;
    - (xi) marketing and outreach efforts;
    - (xii) lending criteria;
    - (xiii) the structure and terms of bonding;
    - (xiv) financial plans; or
    - (xv) reviews and audits, except the final report of the annual audit of financial statements required under Section 53B-8a-111.
- (2) The duties, responsibilities, funds, liabilities, and expenses of the board as the Utah Higher Education Assistance Authority shall be maintained separate and apart from its other duties, responsibilities, funds, liabilities, and expenses.
- (3)
  - (a) In order to carry out the obligation of separation of functions required under Subsection (2), the board may appoint a board of directors of the authority, and designate its chairman to govern and manage the authority.
  - (b) The board of directors consists of not less than five persons, not more than two-thirds of whom may be members of the State Board of Regents.
  - (c) The board of directors reports to and serves at the pleasure of the State Board of Regents, and has all of the powers, duties, and responsibilities of the Utah Higher Education Assistance Authority except for those expressly retained by the State Board of Regents.
- (4) All meetings of the Utah Higher Education Assistance Authority and its appointed board of directors shall be open to the public, except those meetings or portions of meetings that are closed as authorized by Sections 52-4-204 and 52-4-205, including to discuss fiduciary or commercial information.
- (5) An obligation incurred under this chapter does not constitute a debt of the state or any of its political subdivisions.
- (6)
  - (a) A person who would otherwise qualify for a loan guaranteed by the authority is not disqualified because that person is a minor.
  - (b) For the purpose of applying for, receiving, and repaying a loan, a minor has full legal capacity to act and has all the rights, powers, privileges, and obligations of a person of full age with respect to the loan.

Amended by Chapter 46, 2011 General Session