

**DISCLOSURE OF DONATIONS TO HIGHER  
EDUCATION INSTITUTIONS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl Wimmer**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill requires higher education institutions to disclose certain gifts.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires a higher education institution to disclose to the Board of Regents certain gifts received from a foreign person; and
- provides the method of disclosure.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**53B-1-201**, Utah Code Annotated 1953

**53B-1-202**, Utah Code Annotated 1953

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

Section 1. Section **53B-1-201** is enacted to read:



**Part 2. Disclosure of Foreign Gifts**

**53B-1-201. Definitions.**

As used in this part:

(1) "Conditional gift" means an endowment, scholarship, gift, donation, or grant of money or property of any kind that is subject to conditions:

(a) imposed, requested, or provided by a foreign government or foreign person; and

(b) that relate to:

(i) what kinds of teachers or students may benefit from the gift; or

(ii) a description of the subject matter to be taught with the support of the gift.

(2) "Foreign government" means a government other than the government of:

(a) the United States;

(b) a state within the United States;

(c) a territory or possession of the United States; or

(d) a political subdivision of the United States.

(3) "Foreign person" means:

(a) a foreign government defined in Subsection (2);

(b) an individual who is not a citizen or national of the United States or of a territory or protectorate of the United States;

(c) a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized under the laws of a foreign government or that has its

principal place of business located outside the United States;

(d) a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized pursuant to the laws of the United States or a state within the

United States, if a majority of the stock or other equity interest is directly or indirectly owned by, or which derives a majority of its funding from:

(i) a foreign government;

(ii) an individual described in Subsection (3)(b); or

(iii) an entity described in Subsection (3)(c) or (d); or

(e) a committee or other group in which a majority of the membership is composed of:

(i) a foreign government;

(ii) an individual described in Subsection (3)(b); or

59 (iii) an entity described in Subsection (3)(c) or (d).

60 (4) "Gift" means an endowment, scholarship, gift, donation, or grant of money or  
61 property of any kind.

62 (5) "Higher education institution" means an institution in the state system of higher  
63 education as defined in Section 53B-1-102.

64 Section 2. Section **53B-1-202** is enacted to read:

65 **53B-1-202. Disclosure of foreign gifts to higher education institutions.**

66 (1) On or before July 31 of each year, a higher education institution shall disclose to  
67 the board, by filing a disclosure report described in Subsection (2), the following gifts received  
68 by the higher education institution during the period beginning July 1 and ending on June 30  
69 immediately preceding the July 31 deadline:

70 (a) a gift to the higher education institution of \$50,000 or more by a foreign person,  
71 considered alone or in combination with all other gifts from the foreign person; and

72 (b) a conditional gift to the higher education institution by a foreign person.

73 (2) A disclosure report regarding all gifts or conditional gifts described in Subsection  
74 (1) shall include:

75 (a) the amount of each gift or conditional gift described in Subsection (1);

76 (b) the date on which each gift or conditional gift described in Subsection (1) was  
77 received by the higher education institution;

78 (c) the name of the foreign person making each gift or conditional gift described in  
79 Subsection (1);

80 (d) the aggregate amount of all gifts or conditional gifts described in Subsection (1)  
81 from each foreign person during the prior fiscal year of the higher education institution;

82 (e) for a conditional gift, a description of the conditions or restrictions related to the  
83 conditional gift;

84 (f) for a conditional gift:

85 (i) for a foreign person that is an individual, the country of citizenship or principal  
86 residence of the individual; or

87 (ii) for a foreign person that is not an individual, the country of incorporation or place  
88 of business of the foreign person; and

89 (g) for a conditional gift that is a contract entered into between a higher education

90 institution and a foreign person:

91 (i) the amount;

92 (ii) the date;

93 (iii) a description of all conditions or restrictions; and

94 (iv) the name of the foreign person.

95 (3) A disclosure report required by this section is a public record open to inspection  
96 and review during the higher education institution's business hours.

97 (4) At the request of the board, the attorney general may file a civil action to compel a  
98 higher education institution to comply with the requirements of this section.

99 (5) On or before the November interim meeting of each year, the board shall report to  
100 the Education Interim Committee and provide a summary of all gifts and conditional gifts  
101 received by higher education institutions during the prior fiscal year.

102 (6) The board shall make rules for the administration of this section in accordance with  
103 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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**Legislative Review Note**  
**as of 1-27-10 1:43 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 114 - Disclosure of Donations to Higher Education Institutions**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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