

Representative Karianne Lisonbee proposes the following substitute bill:

EQUAL OPPORTUNITY INITIATIVES

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill prohibits an institution of higher education, the public education system, and a governmental employer from taking certain actions and engaging in discriminatory practices.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits an institution of higher education, the public education system, and a governmental employer from:

- requiring an individual, before, during, or after admission or employment, to provide certain submissions or attend certain training that promotes differential treatment;

- using an individual's certain characteristics in decisions regarding aspects of employment or education; and

- engaging in certain practices;

- ▶ requires the Utah Board of Higher Education (board), the State Board of Education (state board), and the governor to ensure compliance with certain requirements;

- ▶ prohibits an institution of higher education, the state board, and a governmental



- 26 employer from establishing or maintaining an office that engages in certain practices;
- 27 ▶ requires an institution of higher education to:
- 28 • contract with a third party to conduct campus climate surveys;
- 29 • provide certain training; and
- 30 • collect and send the surveys to the Office of Legislative Research and General
- 31 Counsel (OLRGC);
- 32 ▶ requires OLRGC to provide campus climate survey summaries to the Education
- 33 Interim Committee at certain times;
- 34 ▶ provides for certain measures of legislative oversight;
- 35 ▶ appropriates funding for a certain institution of higher education program;
- 36 ▶ provides that an individual may submit a complaint for noncompliance to:
- 37 • for an institution, the board; or
- 38 • for public education, the state board;
- 39 ▶ provides limited exceptions to the prohibitions in this bill; and
- 40 ▶ makes technical and conforming changes.

41 **Money Appropriated in this Bill:**

42 None

43 **Other Special Clauses:**

44 This bill provides a special effective date.

45 **Utah Code Sections Affected:**

46 AMENDS:

47 **53B-1-301**, as last amended by Laws of Utah 2023, Chapter 374

48 **53E-1-201**, as last amended by Laws of Utah 2023, Chapters 1, 328 and 380

49 **67-3-1**, as last amended by Laws of Utah 2023, Chapters 16, 330, 353, and 480

50 ENACTS:

51 **53B-1-116**, Utah Code Annotated 1953

52 **53B-1-117**, Utah Code Annotated 1953

53 **53B-1-118**, Utah Code Annotated 1953

54 **53E-3-1101**, Utah Code Annotated 1953

55 **53G-2-103**, Utah Code Annotated 1953

56 **53G-2-104**, Utah Code Annotated 1953

- 57 [53G-2-105](#), Utah Code Annotated 1953
- 58 [67-27-105](#), Utah Code Annotated 1953
- 59 [67-27-106](#), Utah Code Annotated 1953
- 60 [67-27-107](#), Utah Code Annotated 1953



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

63 Section 1. Section **53B-1-116** is enacted to read:

64 **53B-1-116. Prohibition on the use of certain submissions in higher education --**

65 **Exceptions.**

66 (1) As used in this section, "prohibited submission" means the same as that term is
67 defined in Section [67-27-105](#).

68 (2) Except as provided in Subsections (4) and (6), an institution may not require,
69 request, solicit, or compel a prohibited submission as a certification or condition before taking
70 action with respect to:

71 (a) employment, including decisions regarding:

72 (i) hiring;

73 (ii) terms of employment;

74 (iii) benefits;

75 (iv) compensation;

76 (v) seniority status;

77 (vi) tenure or continuing status;

78 (vii) promotion;

79 (viii) performance reviews;

80 (ix) transfer;

81 (x) termination; or

82 (xi) appointment;

83 (b) admission to, advancement in, or graduation from an institution or an academic
84 program;

85 (c) participation in an institution-sponsored program; or

86 (d) qualification for or receipt of state financial aid or other state financial assistance.

87 (3) An institution may not grant any form of preferential consideration to an individual

88 who, with or without solicitation from the institution, provides a prohibited submission for
89 consideration for any action described in Subsection (2).

90 (4) If federal law requires an institution to accept or require a prohibited submission,
91 the institution:

92 (a) may accept the prohibited submission only to the extent required under federal law;
93 and

94 (b) shall limit consideration of the information contained in the prohibited submission
95 to the extent necessary to satisfy the requirement under federal law.

96 (5) For a required prohibited submission under Subsection (4), an institution shall:

97 (a) prepare a report to the institution's governing board detailing the circumstances
98 under which a prohibited submission is required; and

99 (b) publish the report described in Subsection (5)(a) on the institution's governing
100 board website in a conspicuous location.

101 (6) Nothing in this section limits or prohibits an institution's authority to establish
102 policies that:

103 (a) are necessary to comply with state or federal law, including laws relating to
104 prohibited discrimination or harassment;

105 (b) require disclosure of an employee's academic research, classroom teaching, or
106 coursework; or

107 (c) require an applicant for employment, tenure, or promotion to disclose or discuss the
108 applicant's:

109 (i) research;

110 (ii) teaching agenda;

111 (iii) artistic creations; or

112 (iv) pedagogical approaches or experiences with students of all learning abilities.

113 (7) (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an
114 institution of higher education's compliance with this section as follows:

115 (i) for 2025, on each institution of higher education; and

116 (ii) for 2026, and every year after, on one-half of the degree granting institutions of
117 higher education and one-half of the technical colleges.

118 (b) If the board identifies a violation of this section, the board shall:

119 (i) on or before 30 days after the day on which the board identifies the violation, work
120 with the institution to create a remediation plan; and

121 (ii) provide the institution 180 days after the day of the creation of the remediation plan
122 to cure the violation.

123 (8) On or before November 1 of each year, the board shall prepare and submit a report
124 to the Higher Education Appropriations Subcommittee on:

125 (a) the review process and each institution's compliance determination; or

126 (b) if a violation is identified, the remediation plan and progress under Subsection

127 (7)(b).

128 (9) The Legislature may withhold future state appropriations to an institution that fails
129 to cure a violation of this section within the time provided under Subsection (7)(b).

130 (10) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
131 Administrative Rulemaking Act, to establish a procedure for accepting and processing an
132 individual's complaint against an institution for an alleged violation of this section.

133 Section 2. Section **53B-1-117** is enacted to read:

134 **53B-1-117. Prohibition on the use of certain training in higher education --**

135 **Exceptions.**

136 (1) As used in this section, "prohibited training" means the same as that term is defined
137 in Section [67-27-106](#).

138 (2) An institution may not require prohibited training.

139 (3) An institution shall annually train the institution's faculty and staff on academic
140 freedom and freedom of speech in accordance with state or federal laws.

141 (4) (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an
142 institution of higher education's compliance with this section as follows:

143 (i) for 2025, on each institution of higher education; and

144 (ii) for 2026, and every year after, on one-half of the institutions of higher education

145 and one-half of the technical colleges.

146 (b) If the board identifies a violation of this section, the board shall:

147 (i) on or before 30 days after the day on which the board identifies the violation, work
148 with the institution to create a remediation plan; and

149 (ii) provide the institution 180 days after the day of the creation of the remediation plan

150 to cure the violation.

151 (5) On or before November 1 of each year, the board shall prepare and submit a report
152 to the Higher Education Appropriations Subcommittee on:

153 (a) the review process and each institution's compliance determination; or

154 (b) if a violation is identified, the remediation plan and progress under Subsection
155 (4)(b).

156 (6) The Legislature may withhold future state appropriations to an institution that fails
157 to cure a violation of this section within the time provided under Subsection (4)(b).

158 (7) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
159 Administrative Rulemaking Act, to establish a procedure for accepting and processing an
160 individual's complaint against an institution for an alleged violation of this section.

161 *The following section is affected by a coordination clause at the end of this bill.*

162 Section 3. Section **53B-1-118** is enacted to read:

163 **53B-1-118. Prohibited discriminatory practices -- Restrictions -- Campus climate**
164 **survey -- Exceptions.**

165 (1) As used in this section:

166 (a) "Personal identity characteristics" means an individual's race, color, ethnicity, sex,
167 sexual orientation, national origin, religion, or gender identity.

168 (b) (i) "Prohibited discriminatory practice" means engaging in or maintaining a policy,
169 procedure, practice, program, office, initiative, or required training that, based on an
170 individual's personal identity characteristics:

171 (A) promotes the differential treatment of an individual without a important
172 governmental interest;

173 (B) influences the employment decisions of an individual other than through the use of
174 neutral hiring processes with regard to personal identity characteristics and in accordance with
175 federal law;

176 (C) influences an individual's admission to, advancement in, or graduation from an
177 institution, the public education system, or an academic program; or

178 (D) influences an individual's participation in an institution-sponsored or public
179 education system-sponsored program.

180 (ii) "Prohibited discriminatory practice" also means engaging in or maintaining a

181 policy, procedure, practice, program, office, initiative, or required training that:

182 (A) asserts directly or indirectly that one personal identity characteristic is inherently
183 superior or inferior to another personal identity characteristic;

184 (B) asserts directly or indirectly that an individual, by virtue of the individual's
185 personal identity characteristics, is inherently privileged, oppressed, racist, sexist, oppressive,
186 or a victim, whether consciously or unconsciously;

187 (C) asserts directly or indirectly that an individual should be discriminated against in
188 violation of Title VII and Title IX, receive adverse treatment, be advanced, or receive
189 beneficial treatment because of the individual's personal identity characteristics;

190 (D) asserts directly or indirectly that an individual's moral character is determined by
191 the individual's personal identity characteristics;

192 (E) asserts directly or indirectly that an individual, by virtue of the individual's personal
193 identity characteristics, bears responsibility for actions committed in the past by other
194 individuals with the same personal identity characteristics;

195 (F) asserts directly or indirectly that an individual should feel discomfort, guilt,
196 anguish, or other psychological distress solely because of the individual's personal identity
197 characteristics;

198 (G) asserts directly or indirectly that meritocracy is inherently racist or sexist;

199 (H) asserts directly or indirectly that socio-political structures are inherently a series of
200 power relationships and struggles among racial groups;

201 (I) promotes resentment between, or resentment of, individuals by virtue of their
202 personal identity characteristics;

203 (J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual
204 because of the individual's race, color, ethnicity, sex, sexual orientation, national origin, or
205 gender identity;

206 (K) considers an individual's personal identity characteristics in determining receipt of
207 state financial aid or other state financial assistance; or

208 (L) is referred to or named diversity, equity, and inclusion.

209 (iii) "Prohibited discriminatory practice" does not include policies or procedures
210 required by state or federal law, including laws related to prohibited discrimination or
211 harassment.

212 (c) "Student success and support" means an office, division, employment position, or
213 other unit of an institution established or maintained to provide support, guidance, and
214 resources that equip all students, including all students at higher risk of not completing a
215 certificate or degree, with experiences and opportunities for success in each student's academic
216 and career goals, and without excluding individuals on the basis of an individual's personal
217 identity characteristics.

218 (d) "Title VII" means Title VII of the Education Amendments of 1972, 20 U.S.C. Sec.
219 1681 et seq.

220 (e) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec.
221 1681 et seq.

222 (2) An institution may not:

223 (a) take, express, or assert a position or opinion on subjects described in Subsection
224 67-27-105(1)(b)(ii);

225 (b) establish or maintain an office, division, employment position, or other unit of an
226 institution established to implement, develop, plan, or promote campus policies, procedures,
227 practices, programs, or initiatives, regarding prohibited discriminatory practices; or

228 (c) employ or assign an employee or a third-party whose duties for an institution
229 include coordinating, creating, developing, designing, implementing, organizing, planning, or
230 promoting policies, programming, training, practices, activities, and procedures relating to
231 prohibited discriminatory practices.

232 (3) An institution shall:

233 (a) ensure that all students have access to programs providing student success and
234 support;

235 (b) publish the titles and syllabi of all mandatory courses, seminars, classes,
236 workshops, and training sessions on the institution's website in an online database readily
237 searchable by the public;

238 (c) annually train employees on the separation of personal political advocacy from an
239 institution's business and employment activities;

240 (d) develop strategies to promote viewpoint diversity; and

241 (e) establish policies and procedures to include opportunities for education and
242 research on free speech and civic education.

243 (4) Beginning on or before July 1, 2025, the board shall report to the Higher Education
244 Appropriations Subcommittee on the status and allocation of appropriated funds for student
245 success and support.

246 (5) The Legislature shall, in a line item appropriation, appropriate ongoing funding to
247 support an institution's student success and support program in accordance with this section.

248 (6) (a) On or before January 1, 2025, the board shall contract with a third-party
249 contractor, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to conduct a
250 campus expression climate survey of each institution:

251 (i) to assess student, faculty, and staff perceptions of and experiences with an
252 institution's campus environment that measures the student's, faculty member's, and staff
253 member's perception of and experience with an institution's campus environment; and

254 (ii) that measures the student's, faculty member's, and staff member's perception of and
255 experience with campus policy and practice regarding freedom of speech and academic
256 freedom at the institution.

257 (b) The board shall collect the results of each campus expression climate survey under
258 Subsection (6) and submit the results to the Office of Legislative Research and General
259 Counsel beginning on or before July 1.

260 (7) (a) The Office of Legislative Research and General Counsel shall provide a
261 summary report on the data collected from the campus expression climate surveys to the
262 Education Interim Committee on or before:

263 (i) November 1, 2027, for reports received in years 2025, 2026, and 2027;

264 (ii) November 1, 2030, for reports received in years 2028, 2029, and 2030; and

265 (iii) November 1, 2033, for reports received in years 2031, 2032, and 2033.

266 (b) On or before November 1, 2035, the Office of Legislative Research and General
267 Counsel shall provide a comprehensive report of the campus expression climate surveys to the
268 Education Interim Committee.

269 (8) Nothing in this section requires an individual to respond to a campus expression
270 climate survey.

271 (9) Nothing in this section limits or prohibits an institution's authority to establish
272 policies that:

273 (a) are necessary to comply with state or federal law, including laws relating to

274 prohibited discrimination or harassment;
275 (b) require disclosure of an employee's academic research, classroom teaching, or
276 coursework; or
277 (c) require for employment, tenure, or promotion to disclose or discuss the applicant's:
278 (i) research;
279 (ii) teaching agenda;
280 (iii) artistic creations; or
281 (iv) pedagogical approaches or experiences with students of all learning abilities.
282 (10) This section does not apply to:
283 (a) requirements necessary for athletic and accreditation compliance;
284 (b) academic research;
285 (c) academic course teaching in the classroom;
286 (d) a grant that would otherwise require:
287 (i) a department, office, division, or other unit of an institution to engage in a
288 prohibited discriminatory practice if the grant has been reviewed and approved by the
289 institution's board of trustees; or
290 (ii) an institution to engage in a prohibited discriminatory practice if the grant has been
291 reviewed and approved by the board; or
292 (e) requirements necessary for an institution to establish or maintain eligibility for any
293 federal program.
294 (11) (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an
295 institution of higher education's compliance with this section as follows:
296 (i) for 2025, on each institution of higher education; and
297 (ii) for 2026, and every year after, on one-half of the degree granting institutions of
298 higher education and one-half of the technical colleges.
299 (b) If the board identifies a violation of this section, the board shall:
300 (i) on or before 30 days after the day on which the board identifies the violation, work
301 with the institution to create a remediation plan; and
302 (ii) provide the institution 180 days after the day of the creation of the remediation plan
303 to cure the violation.
304 (12) On or before November 1 of each year, the board shall prepare and submit a report

305 to the Higher Education Appropriations Subcommittee on:

- 306 (a) the review process and each institution's compliance determination; or
- 307 (b) if a violation is identified, the remediation plan and progress under Subsection
- 308 (11)(b).

309 (13) On or before December 1 of each year, the Higher Education Appropriations
310 Subcommittee shall:

- 311 (a) report the findings under Subsections (4) and (12) to the Legislature; and
- 312 (b) make appropriation recommendations about an institution's compliance with this
- 313 section.

314 (14) The Legislature may withhold future state appropriations to an institution that fails
315 to cure a violation of this section within the time provided under Subsection (11)(b).

316 (15) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
317 Administrative Rulemaking Act, to establish a procedure for accepting and processing an
318 individual's complaint against an institution for an alleged violation of this section.

319 Section 4. Section **53B-1-301** is amended to read:

320 **53B-1-301. Reports to and actions of the Higher Education Appropriations**
321 **Subcommittee.**

322 (1) In accordance with applicable provisions and Section **68-3-14**, the following
323 recurring reports are due to the Higher Education Appropriations Subcommittee:

- 324 (a) the reports described in Sections **53B-1-116**, **53B-1-117**, and **53B-1-118**;
- 325 (b) the reports described in Sections **34A-2-202.5**, **53B-30-206**, and **59-9-102.5** by the
- 326 Rocky Mountain Center for Occupational and Environmental Health;

327 ~~(b)~~ (c) the report described in Section **53B-7-101** by the board on recommended
328 appropriations for higher education institutions, including the report described in Section
329 **53B-8-104** by the board on the effects of offering nonresident partial tuition scholarships;

330 ~~(e)~~ (d) the report described in Section **53B-7-704** by the Department of Workforce
331 Services and the Governor's Office of Economic Opportunity on targeted jobs;

332 ~~(d)~~ (e) the reports described in Section **53B-7-705** by the board on performance;

333 ~~(e)~~ (f) the report described in Section **53B-8-201** by the board on the Opportunity
334 Scholarship Program;

335 ~~(f)~~ (g) the report described in Section **53B-8d-104** by the Division of Child and

336 Family Services on tuition waivers for wards of the state;

337 ~~[(g)]~~ (h) the report described in Section 53B-13a-103 by the board on the Utah Promise
338 Program;

339 ~~[(h)]~~ (i) the report described in Section 53B-17-201 by the University of Utah
340 regarding the Miners' Hospital for Disabled Miners;

341 ~~[(i)]~~ (j) the report described in Section 53B-26-202 by the Medical Education Council
342 on projected demand for nursing professionals;

343 ~~[(j)]~~ (k) the report described in Section 53B-35-202 regarding the Higher Education
344 and Corrections Council; and

345 ~~[(k)]~~ (l) the report described in Section 53E-10-308 by the State Board of Education
346 and board on student participation in the concurrent enrollment program.

347 (2) In accordance with applicable provisions and Section 68-3-14, the following
348 occasional reports are due to the Higher Education Appropriations Subcommittee:

349 (a) upon request, the information described in Section 53B-8a-111 submitted by the
350 Utah Educational Savings Plan;

351 (b) a proposal described in Section 53B-26-202 by an eligible program to respond to
352 projected demand for nursing professionals; and

353 (c) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board
354 on the fire and rescue training program described in Section 53B-29-202.

355 (3) In accordance with applicable provisions, the Higher Education Appropriations
356 Subcommittee shall complete the following:

357 (a) an appropriation recommendation described in Section 53B-1-118 regarding
358 compliance with Subsections 53B-1-118(5) and (13);

359 (b) as required by Section 53B-7-703, the review of performance funding described in
360 Section 53B-7-703;

361 ~~[(b)]~~ (c) an appropriation recommendation described in Section 53B-26-202 to fund a
362 proposal responding to projected demand for nursing professionals; and

363 ~~[(c)]~~ (d) review of the report described in Section 63B-10-301 by the University of
364 Utah on the status of a bond and bond payments specified in Section 63B-10-301.

365 Section 5. Section 53E-1-201 is amended to read:

366 **53E-1-201. Reports to and action required of the Education Interim Committee.**

- 367 (1) In accordance with applicable provisions and Section 68-3-14, the following
368 recurring reports are due to the Education Interim Committee:
- 369 (a) the report described in Section 9-22-109 by the STEM Action Center Board,
370 including the information described in Section 9-22-113 on the status of the computer science
371 initiative and Section 9-22-114 on the Computing Partnerships Grants Program;
- 372 (b) the prioritized list of data research described in Section 53B-33-302 and the report
373 on research and activities described in Section 53B-33-304 by the Utah Data Research Center;
- 374 (c) the report described in Section 35A-15-303 by the State Board of Education on
375 preschool programs;
- 376 (d) the report described in Section 53B-1-402 by the Utah Board of Higher Education
377 on career and technical education issues and addressing workforce needs;
- 378 (e) the annual report of the Utah Board of Higher Education described in Section
379 53B-1-402;
- 380 (f) the reports described in Section 53B-28-401 by the Utah Board of Higher Education
381 regarding activities related to campus safety;
- 382 (g) the State Superintendent's Annual Report by the state board described in Section
383 53E-1-203;
- 384 (h) the annual report described in Section 53E-2-202 by the state board on the strategic
385 plan to improve student outcomes;
- 386 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for
387 the Deaf and the Blind;
- 388 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,
389 Actionable, and Dynamic Education director on research and other activities;
- 390 (k) the report described in Section 53F-2-522 regarding mental health screening
391 programs;
- 392 (l) the report described in Section 53F-4-203 by the state board and the independent
393 evaluator on an evaluation of early interactive reading software;
- 394 (m) the report described in Section 63N-20-107 by the Governor's Office of Economic
395 Opportunity on UPSTART;
- 396 (n) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board
397 related to grants for professional learning and grants for an elementary teacher preparation

398 assessment;

399 (o) upon request, the report described in Section [53F-5-219](#) by the state board on the
400 Local Innovations Civics Education Pilot Program;

401 (p) the report described in Section [53F-5-405](#) by the State Board of Education
402 regarding an evaluation of a partnership that receives a grant to improve educational outcomes
403 for students who are low income;

404 (q) the report described in Section [53B-35-202](#) regarding the Higher Education and
405 Corrections Council;

406 (r) the report described in Section [53G-7-221](#) by the State Board of Education
407 regarding innovation plans;

408 (s) the annual report described in Section [63A-2-502](#) by the Educational Interpretation
409 and Translation Service Procurement Advisory Council; and

410 (t) the reports described in Section [53F-6-412](#) regarding the Utah Fits All Scholarship
411 Program.

412 (2) In accordance with applicable provisions and Section [68-3-14](#), the following
413 occasional reports are due to the Education Interim Committee:

414 (a) the report described in Section [35A-15-303](#) by the School Readiness Board by
415 November 30, 2020, on benchmarks for certain preschool programs;

416 (b) in 2027, 2030, 2033, and 2035, the reports described in Sections [53B-1-116](#),
417 [53B-1-117](#), and [53B-1-118](#);

418 ~~(b)~~ (c) the report described in Section [53B-28-402](#) by the Utah Board of Higher
419 Education on or before the Education Interim Committee's November 2021 meeting;

420 ~~(c)~~ (d) if required, the report described in Section [53E-4-309](#) by the state board
421 explaining the reasons for changing the grade level specification for the administration of
422 specific assessments;

423 ~~(d)~~ (e) if required, the report described in Section [53E-5-210](#) by the state board of an
424 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

425 ~~(e)~~ (f) in 2022 and in 2023, on or before November 30, the report described in
426 Subsection [53E-10-309](#)(5) related to the PRIME pilot program;

427 ~~(f)~~ (g) the report described in Section [53E-10-702](#) by Utah Leading through Effective,
428 Actionable, and Dynamic Education;

429 ~~(g)~~ (h) if required, the report described in Section 53F-2-513 by the state board
430 evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in
431 high poverty schools;

432 ~~(h)~~ (i) the report described in Section 53F-5-210 by the state board on the Educational
433 Improvement Opportunities Outside of the Regular School Day Grant Program;

434 ~~(i)~~ (j) upon request, a report described in Section 53G-7-222 by an LEA regarding
435 expenditure of a percentage of state restricted funds to support an innovative education
436 program;

437 ~~(j)~~ (k) the report described in Section 53G-7-503 by the state board regarding fees
438 that LEAs charge during the 2020-2021 school year;

439 ~~(k)~~ (l) the reports described in Section 53G-11-304 by the state board regarding
440 proposed rules and results related to educator exit surveys; and

441 ~~(l)~~ (m) the report described in Section 26B-5-113 by the Office of Substance Use and
442 Mental Health, the State Board of Education, and the Department of Health and Human
443 Service regarding recommendations related to Medicaid reimbursement for school-based health
444 services.

445 Section 6. Section 53E-3-1101 is enacted to read:

446 **53E-3-1101. Prohibited discriminatory practices -- Restrictions - Reporting.**

447 (1) As used in this section, "prohibited discriminatory practice" means the same as that
448 term is defined in Section 53B-1-118.

449 (2) The state board may not:

450 (a) establish or maintain an office, division, or employment position established to
451 implement, develop, plan, or promote policies, procedures, practices, programs, or initiatives,
452 regarding prohibited discriminatory practices; or

453 (b) employ or assign an employee or a third-party whose duties for the state board
454 include coordinating, creating, developing, designing, implementing, organizing, planning, or
455 promoting policies, programming, training, practices, activities, and procedures relating to
456 prohibited discriminatory practices.

457 (3) Nothing in this section limits or prohibits the state board's authority to establish
458 policies that are necessary to comply with state or federal law, including laws relating to
459 prohibited discrimination or harassment.

460 (4) The state board shall provide an update to the Education Interim Committee and
461 Public Education Appropriations Subcommittee on the state board's compliance with this
462 section at or before:

463 (a) the Education Interim Committee's November interim committee meeting; and

464 (b) the Public Education Appropriations Subcommittee December interim
465 subcommittee meeting.

466 Section 7. Section **53G-2-103** is enacted to read:

467 **53G-2-103. Prohibition on the use of certain submissions in public education --**

468 **Exceptions.**

469 (1) As used in this section, "prohibited submission" means the same as that term is
470 defined in Section [67-27-105](#).

471 (2) Except as provided in Subsections (4) and (6), an LEA may not require, request,
472 solicit, or compel a prohibited submission as a certification or condition before taking action
473 with respect to:

474 (a) employment, including decisions regarding:

475 (i) hiring;

476 (ii) terms of employment;

477 (iii) benefits;

478 (iv) compensation;

479 (v) seniority status;

480 (vi) tenure or continuing status;

481 (vii) promotion;

482 (viii) performance reviews;

483 (ix) transfer;

484 (x) termination; or

485 (xi) appointment;

486 (b) enrollment or graduation from the LEA;

487 (c) participation in LEA-sponsored programs; or

488 (d) qualification for or receipt of state financial aid or other state financial assistance.

489 (3) An LEA may not grant any form of preferential consideration to an individual who,
490 with or without solicitation from the LEA, provides a prohibited submission for consideration

491 for any action described in Subsection (2).

492 (4) If federal law requires an LEA to accept or require a prohibited submission, the
493 LEA:

494 (a) may accept the prohibited submission only to the extent required under federal law;
495 and

496 (b) shall limit consideration of the information contained in the prohibited submission
497 to the extent necessary to satisfy the requirement under federal law.

498 (5) For a required prohibited submission under Subsection (4), an LEA shall notify the
499 state board detailing the circumstances under which a prohibited submission under Subsection
500 (4) is required.

501 (6) Nothing in this section limits or prohibits an LEA's authority to establish policies
502 that:

503 (a) are necessary to comply with state or federal law, including laws relating to
504 prohibited discrimination or harassment; or

505 (b) require an applicant for employment, tenure, continuing status, or promotion to
506 disclose or discuss the applicant's:

507 (i) teaching record;

508 (ii) artistic creations; or

509 (iii) pedagogical approaches or experiences with students of all learning abilities.

510 (7) (a) Beginning on July 1, 2025, the state board shall conduct a review of an LEA's
511 compliance with this section.

512 (b) If the state board identifies a violation of this section, the state board shall:

513 (i) on or before 30 days after the day on which the state board identifies the violation,
514 work with the LEA to create a remediation plan; and

515 (ii) provide the LEA 180 days after the day of the creation of the remediation plan to
516 cure the violation.

517 (8) The state board shall provide an update to the Education Interim Committee on an
518 LEA's compliance with this section at or before the Education Interim Committee's November
519 interim committee meeting.

520 (9) An individual may bring a violation of this section to the state board in accordance
521 with the process described in Section [53E-3-401](#).

522 Section 8. Section **53G-2-104** is enacted to read:

523 **53G-2-104. Prohibition on the use of certain training in public education --**

524 **Exceptions.**

525 (1) As used in this section, "prohibited training" means the same as that term is defined
526 in Section [67-27-106](#).

527 (2) An LEA may not require prohibited training.

528 (3) (a) Beginning on July 1, 2025, the state board shall conduct a review of an LEA's
529 compliance with this section.

530 (b) If the state board identifies a violation of this section, the state board shall:

531 (i) on or before 30 days after the day on which the state board identifies the violation,
532 work with the LEA to create a remediation plan; and

533 (ii) provide the LEA 180 days after the day of the creation of the remediation plan to
534 cure the violation.

535 (4) The state board shall provide an update to the Education Interim Committee on an
536 LEA's compliance with this section at or before the Education Interim Committee's November
537 interim committee meeting.

538 (5) An individual may bring a violation of this section to the state board in accordance
539 with the process described in Section [53E-3-401](#).

540 Section 9. Section **53G-2-105** is enacted to read:

541 **53G-2-105. Prohibited discriminatory practices -- Restrictions - Reporting.**

542 (1) As used in this section, "prohibited discriminatory practice" means the same as that
543 term is defined in Section [53B-1-118](#).

544 (2) An LEA may not engage in prohibited discriminatory practices.

545 (3) Nothing in this section limits or prohibits an LEA from establishing policies that
546 are necessary to comply with state or federal law, including laws relating to prohibited
547 discrimination or harassment.

548 (4) (a) Beginning on July 1, 2025, the state board shall conduct a review of an LEA's
549 compliance with this section.

550 (b) If the state board identifies a violation of this section, the state board shall:

551 (i) on or before 30 days after the day on which the state board identifies the violation,
552 work with the LEA to create a remediation plan; and

553 (ii) provide the LEA 180 days after the day of the creation of the remediation plan to
554 cure the violation.

555 (5) The state board shall provide an update to the Education Interim Committee and the
556 Public Education Appropriations Subcommittee on an LEA's compliance with this section at or
557 before the Education Interim Committee's November interim committee meeting.

558 (6) An individual may bring a violation of this section to the state board in accordance
559 with the process described in Section [53E-3-401](#).

560 Section 10. Section **67-3-1** is amended to read:

561 **67-3-1. Functions and duties.**

562 (1) (a) The state auditor is the auditor of public accounts and is independent of any
563 executive or administrative officers of the state.

564 (b) The state auditor is not limited in the selection of personnel or in the determination
565 of the reasonable and necessary expenses of the state auditor's office.

566 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
567 financial statements showing:

568 (a) the condition of the state's finances;

569 (b) the revenues received or accrued;

570 (c) expenditures paid or accrued;

571 (d) the amount of unexpended or unencumbered balances of the appropriations to the
572 agencies, departments, divisions, commissions, and institutions; and

573 (e) the cash balances of the funds in the custody of the state treasurer.

574 (3) (a) The state auditor shall:

575 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of
576 any department of state government or any independent agency or public corporation as the law
577 requires, as the auditor determines is necessary, or upon request of the governor or the
578 Legislature;

579 (ii) perform the audits in accordance with generally accepted auditing standards and
580 other auditing procedures as promulgated by recognized authoritative bodies; and

581 (iii) as the auditor determines is necessary, conduct the audits to determine:

582 (A) honesty and integrity in fiscal affairs;

583 (B) accuracy and reliability of financial statements;

584 (C) effectiveness and adequacy of financial controls; and

585 (D) compliance with the law.

586 (b) If any state entity receives federal funding, the state auditor shall ensure that the
587 audit is performed in accordance with federal audit requirements.

588 (c) (i) The costs of the federal compliance portion of the audit may be paid from an
589 appropriation to the state auditor from the General Fund.

590 (ii) If an appropriation is not provided, or if the federal government does not
591 specifically provide for payment of audit costs, the costs of the federal compliance portions of
592 the audit shall be allocated on the basis of the percentage that each state entity's federal funding
593 bears to the total federal funds received by the state.

594 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit
595 funds passed through the state to local governments and to reflect any reduction in audit time
596 obtained through the use of internal auditors working under the direction of the state auditor.

597 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
598 financial audits, and as the auditor determines is necessary, conduct performance and special
599 purpose audits, examinations, and reviews of any entity that receives public funds, including a
600 determination of any or all of the following:

601 (i) the honesty and integrity of all the entity's fiscal affairs;

602 (ii) whether the entity's administrators have faithfully complied with legislative intent;

603 (iii) whether the entity's operations have been conducted in an efficient, effective, and
604 cost-efficient manner;

605 (iv) whether the entity's programs have been effective in accomplishing the intended
606 objectives; and

607 (v) whether the entity's management, control, and information systems are adequate,
608 effective, and secure.

609 (b) The auditor may not conduct performance and special purpose audits,
610 examinations, and reviews of any entity that receives public funds if the entity:

611 (i) has an elected auditor; and

612 (ii) has, within the entity's last budget year, had the entity's financial statements or
613 performance formally reviewed by another outside auditor.

614 (5) The state auditor:

615 (a) shall administer any oath or affirmation necessary to the performance of the duties
616 of the auditor's office; and

617 (b) may:

618 (i) subpoena witnesses and documents, whether electronic or otherwise; and

619 (ii) examine into any matter that the auditor considers necessary.

620 (6) The state auditor may require all persons who have had the disposition or
621 management of any property of this state or its political subdivisions to submit statements
622 regarding the property at the time and in the form that the auditor requires.

623 (7) The state auditor shall:

624 (a) except where otherwise provided by law, institute suits in Salt Lake County in
625 relation to the assessment, collection, and payment of revenues against:

626 (i) persons who by any means have become entrusted with public money or property
627 and have failed to pay over or deliver the money or property; and

628 (ii) all debtors of the state;

629 (b) collect and pay into the state treasury all fees received by the state auditor;

630 (c) perform the duties of a member of all boards of which the state auditor is a member
631 by the constitution or laws of the state, and any other duties that are prescribed by the
632 constitution and by law;

633 (d) stop the payment of the salary of any state official or state employee who:

634 (i) refuses to settle accounts or provide required statements about the custody and
635 disposition of public funds or other state property;

636 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
637 board or department head with respect to the manner of keeping prescribed accounts or funds;
638 or

639 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
640 official's or employee's attention;

641 (e) establish accounting systems, methods, and forms for public accounts in all taxing
642 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

643 (f) superintend the contractual auditing of all state accounts;

644 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
645 property taxes from a state or local taxing or fee-assessing unit, if necessary, to ensure that

646 officials and employees in those taxing units comply with state laws and procedures in the
647 budgeting, expenditures, and financial reporting of public funds;

648 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
649 if necessary, to ensure that officials and employees in the county comply with Section
650 59-2-303.1; and

651 (i) withhold state allocated funds or the disbursement of property taxes from a local
652 government entity or a limited purpose entity, as those terms are defined in Section 67-1a-15 if
653 the state auditor finds the withholding necessary to ensure that the entity registers and
654 maintains the entity's registration with the lieutenant governor, in accordance with Section
655 67-1a-15.

656 (8) (a) Except as otherwise provided by law, the state auditor may not withhold funds
657 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received formal
658 written notice of noncompliance from the auditor and has been given 60 days to make the
659 specified corrections.

660 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
661 fee-assessing unit that exclusively assesses fees has not made corrections to comply with state
662 laws and procedures in the budgeting, expenditures, and financial reporting of public funds, the
663 state auditor:

664 (i) shall provide a recommended timeline for corrective actions;

665 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the
666 state; and

667 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
668 account of a financial institution by filing an action in district court requesting an order of the
669 court to prohibit a financial institution from providing the fee-assessing unit access to an
670 account.

671 (c) The state auditor shall remove a limitation on accessing funds under Subsection
672 (8)(b) upon compliance with state laws and procedures in the budgeting, expenditures, and
673 financial reporting of public funds.

674 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
675 state law, the state auditor:

676 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to

677 comply;

678 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
679 state; and

680 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
681 account of a financial institution by:

682 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that
683 the institution prohibit access to the account; or

684 (B) filing an action in district court requesting an order of the court to prohibit a
685 financial institution from providing the taxing or fee-assessing unit access to an account.

686 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state
687 law, the state auditor shall eliminate a limitation on accessing funds described in Subsection
688 (8)(d).

689 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
690 received formal written notice of noncompliance from the auditor and has been given 60 days
691 to make the specified corrections.

692 (10) (a) The state auditor may not withhold funds under Subsection (7)(i) until the state
693 auditor receives a notice of non-registration, as that term is defined in Section [67-1a-15](#).

694 (b) If the state auditor receives a notice of non-registration, the state auditor may
695 prohibit the local government entity or limited purpose entity, as those terms are defined in
696 Section [67-1a-15](#), from accessing:

697 (i) money held by the state; and

698 (ii) money held in an account of a financial institution by:

699 (A) contacting the entity's financial institution and requesting that the institution
700 prohibit access to the account; or

701 (B) filing an action in district court requesting an order of the court to prohibit a
702 financial institution from providing the entity access to an account.

703 (c) The state auditor shall remove the prohibition on accessing funds described in
704 Subsection (10)(b) if the state auditor received a notice of registration, as that term is defined in
705 Section [67-1a-15](#), from the lieutenant governor.

706 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the
707 state auditor:

708 (a) shall authorize a disbursement by a local government entity or limited purpose
709 entity, as those terms are defined in Section 67-1a-15, or a state or local taxing or fee-assessing
710 unit if the disbursement is necessary to:

711 (i) avoid a major disruption in the operations of the local government entity, limited
712 purpose entity, or state or local taxing or fee-assessing unit; or

713 (ii) meet debt service obligations; and

714 (b) may authorize a disbursement by a local government entity, limited purpose entity,
715 or state or local taxing or fee-assessing unit as the state auditor determines is appropriate.

716 (12) (a) The state auditor may seek relief under the Utah Rules of Civil Procedure to
717 take temporary custody of public funds if an action is necessary to protect public funds from
718 being improperly diverted from their intended public purpose.

719 (b) If the state auditor seeks relief under Subsection (12)(a):

720 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
721 and

722 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if a
723 court orders the public funds to be protected from improper diversion from their public
724 purpose.

725 (13) The state auditor shall:

726 (a) establish audit guidelines and procedures for audits of local mental health and
727 substance abuse authorities and their contract providers, conducted pursuant to Title 17,
728 Chapter 43, Part 2, Local Substance Abuse Authorities, Title 17, Chapter 43, Part 3, Local
729 Mental Health Authorities, Title 26B, Chapter 5, Health Care - Substance Use and Mental
730 Health, and Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal
731 Organizations, and Other Local Entities Act; and

732 (b) ensure that those guidelines and procedures provide assurances to the state that:

733 (i) state and federal funds appropriated to local mental health authorities are used for
734 mental health purposes;

735 (ii) a private provider under an annual or otherwise ongoing contract to provide
736 comprehensive mental health programs or services for a local mental health authority is in
737 compliance with state and local contract requirements and state and federal law;

738 (iii) state and federal funds appropriated to local substance abuse authorities are used

739 for substance abuse programs and services; and

740 (iv) a private provider under an annual or otherwise ongoing contract to provide
741 comprehensive substance abuse programs or services for a local substance abuse authority is in
742 compliance with state and local contract requirements, and state and federal law.

743 (14) (a) The state auditor may, in accordance with the auditor's responsibilities for
744 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from
745 Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or
746 investigations of any political subdivision that are necessary to determine honesty and integrity
747 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of
748 financial controls and compliance with the law.

749 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the
750 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor may
751 initiate an audit or investigation of the public entity subject to the notice to determine
752 compliance with Section 11-41-103.

753 (15) (a) The state auditor may not audit work that the state auditor performed before
754 becoming state auditor.

755 (b) If the state auditor has previously been a responsible official in state government
756 whose work has not yet been audited, the Legislature shall:

- 757 (i) designate how that work shall be audited; and
- 758 (ii) provide additional funding for those audits, if necessary.

759 (16) The state auditor shall:

760 (a) with the assistance, advice, and recommendations of an advisory committee
761 appointed by the state auditor from among special district boards of trustees, officers, and
762 employees and special service district boards, officers, and employees:

763 (i) prepare a Uniform Accounting Manual for Special Districts that:

764 (A) prescribes a uniform system of accounting and uniform budgeting and reporting
765 procedures for special districts under Title 17B, Limited Purpose Local Government Entities -
766 Special Districts, and special service districts under Title 17D, Chapter 1, Special Service
767 District Act;

768 (B) conforms with generally accepted accounting principles; and

769 (C) prescribes reasonable exceptions and modifications for smaller districts to the

770 uniform system of accounting, budgeting, and reporting;

771 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to
772 reflect generally accepted accounting principles;

773 (iii) conduct a continuing review and modification of procedures in order to improve
774 them;

775 (iv) prepare and supply each district with suitable budget and reporting forms; and

776 (v) (A) prepare instructional materials, conduct training programs, and render other
777 services considered necessary to assist special districts and special service districts in
778 implementing the uniform accounting, budgeting, and reporting procedures; and

779 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with Title
780 63G, Chapter 22, State Training and Certification Requirements; and

781 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
782 and experiences of specific special districts and special service districts selected by the state
783 auditor and make the information available to all districts.

784 (17) (a) The following records in the custody or control of the state auditor are
785 protected records under Title 63G, Chapter 2, Government Records Access and Management
786 Act:

787 (i) records that would disclose information relating to allegations of personal
788 misconduct, gross mismanagement, or illegal activity of a past or present governmental
789 employee if the information or allegation cannot be corroborated by the state auditor through
790 other documents or evidence, and the records relating to the allegation are not relied upon by
791 the state auditor in preparing a final audit report;

792 (ii) records and audit workpapers to the extent the workpapers would disclose the
793 identity of an individual who during the course of an audit, communicated the existence of any
794 waste of public funds, property, or manpower, or a violation or suspected violation of a law,
795 rule, or regulation adopted under the laws of this state, a political subdivision of the state, or
796 any recognized entity of the United States, if the information was disclosed on the condition
797 that the identity of the individual be protected;

798 (iii) before an audit is completed and the final audit report is released, records or drafts
799 circulated to an individual who is not an employee or head of a governmental entity for the
800 individual's response or information;

801 (iv) records that would disclose an outline or part of any audit survey plans or audit
802 program; and

803 (v) requests for audits, if disclosure would risk circumvention of an audit.

804 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure
805 of records or information that relate to a violation of the law by a governmental entity or
806 employee to a government prosecutor or peace officer.

807 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to
808 the state auditor to classify a document as public, private, controlled, or protected under Title
809 63G, Chapter 2, Government Records Access and Management Act.

810 (d) (i) As used in this Subsection (17)(d), "record dispute" means a dispute between the
811 state auditor and the subject of an audit performed by the state auditor as to whether the state
812 auditor may release a record, as defined in Section 63G-2-103, to the public that the state
813 auditor gained access to in the course of the state auditor's audit but which the subject of the
814 audit claims is not subject to disclosure under Title 63G, Chapter 2, Government Records
815 Access and Management Act.

816 (ii) The state auditor may submit a record dispute to the State Records Committee,
817 created in Section 63G-2-501, for a determination of whether the state auditor may, in
818 conjunction with the state auditor's release of an audit report, release to the public the record
819 that is the subject of the record dispute.

820 (iii) The state auditor or the subject of the audit may seek judicial review of a State
821 Records Committee determination under Subsection (17)(d)(ii), as provided in Section
822 63G-2-404.

823 (18) If the state auditor conducts an audit of an entity that the state auditor has
824 previously audited and finds that the entity has not implemented a recommendation made by
825 the state auditor in a previous audit, the state auditor shall notify the Legislative Management
826 Committee through the Legislative Management Committee's audit subcommittee that the
827 entity has not implemented that recommendation.

828 (19) The state auditor shall, with the advice and consent of the Senate, appoint the state
829 privacy officer described in Section 67-3-13.

830 (20) Except as provided in Subsection (21), the state auditor shall report, or ensure that
831 another government entity reports, on the financial, operational, and performance metrics for

832 the state system of higher education and the state system of public education, including metrics
833 in relation to students, programs, and schools within those systems.

834 (21) (a) Notwithstanding Subsection (20), the state auditor shall conduct regular audits
835 of:

836 (i) the scholarship granting organization for the Special Needs Opportunity Scholarship
837 Program, created in Section [53E-7-402](#);

838 (ii) the State Board of Education for the Carson Smith Scholarship Program, created in
839 Section [53F-4-302](#); and

840 (iii) the scholarship program manager for the Utah Fits All Scholarship Program,
841 created in Section [53F-6-402](#).

842 (b) Nothing in this subsection limits or impairs the authority of the State Board of
843 Education to administer the programs described in Subsection (21)(a).

844 (22) The state auditor shall, based on the information posted by the Office of
845 Legislative Research and General Counsel under Subsection [36-12-12.1\(2\)](#), for each policy,
846 track and post the following information on the state auditor's website:

847 (a) the information posted under Subsections [36-12-12.1\(2\)\(a\)](#) through (e);

848 (b) an indication regarding whether the policy is timely adopted, adopted late, or not
849 adopted;

850 (c) an indication regarding whether the policy complies with the requirements
851 established by law for the policy; and

852 (d) a link to the policy.

853 (23) (a) A legislator may request that the state auditor conduct an inquiry to determine
854 whether a government entity, government official, or government employee has complied with
855 a legal obligation directly imposed, by statute, on the government entity, government official,
856 or government employee.

857 (b) The state auditor may, upon receiving a request under Subsection (23)(a), conduct
858 the inquiry requested.

859 (c) If the state auditor conducts the inquiry described in Subsection (23)(b), the state
860 auditor shall post the results of the inquiry on the state auditor's website.

861 (d) The state auditor may limit the inquiry described in this Subsection (23) to a simple
862 determination, without conducting an audit, regarding whether the obligation was fulfilled.

863 (24) The state auditor shall ensure compliance with Sections [67-27-105](#), [67-27-106](#),
864 and [67-27-107](#) by:

865 (a) establishing a process to receive and investigate each alleged violations;

866 (b) reporting to the Legislative Management Committee, upon request, regarding the
867 state auditor's enforcement under this Subsection (1).

868 Section 11. Section **67-27-105** is enacted to read:

869 **67-27-105. Prohibition on the use of certain submissions by governmental**
870 **employers -- Exceptions.**

871 (1) As used in this section:

872 (a) (i) "Governmental employer" means any department, division, agency, commission,
873 board, council, committee, authority, municipalities, counties, political subdivisions, or any
874 other institution of the state.

875 (ii) "Governmental employer" does not mean a local education agency or institution of
876 higher education.

877 (b) (i) "Prohibited submission" means a submission, statement, or document that
878 requires an individual to articulate the individual's position, view, contribution, effort, or
879 experience regarding a policy, program, or initiative that promotes differential treatment based
880 on an individual's personal identity characteristics, as that term is defined in Section
881 [53B-1-118](#).

882 (ii) "Prohibited submission" includes a submission, statement, or document that relates
883 to a policy, program, or initiative regarding:

884 (A) anti-racism;

885 (B) bias;

886 (C) critical race theory;

887 (D) implicit bias;

888 (E) intersectionality;

889 (F) prohibited discriminatory practice, as that term is defined in Section [53B-1-118](#); or

890 (G) racial privilege.

891 (iii) "Prohibited submission" does not include a submission, statement, or document
892 for an employment position if the submission, statement, or document relates to a bona fide
893 occupational qualification for the position.

894 (2) Except as provided in Subsection (4), a governmental employer may not require,
895 request, solicit, or compel a prohibited submission as a certification or condition before taking
896 action with respect to:

897 (a) employment, including decisions regarding:

898 (i) hiring;

899 (ii) terms of employment;

900 (iii) benefits;

901 (iv) compensation;

902 (v) seniority status;

903 (vi) tenure or continuing status;

904 (vii) promotion;

905 (viii) performance reviews;

906 (ix) transfer;

907 (x) termination; or

908 (xi) appointment; or

909 (b) admissions and aid, including:

910 (i) admission to any state program or course;

911 (ii) financial or other forms of state-administered aid or assistance; and

912 (iii) other benefits from the governmental employer for which an individual is eligible.

913 (3) A governmental employer may not grant any form of preferential consideration to

914 an individual who, with or without solicitation from the governmental employer, provides a

915 prohibited submission for any action described in Subsection (2).

916 (4) If federal law requires a governmental employer to accept or require a prohibited
917 submission, the governmental employer:

918 (a) may accept the prohibited submission only to the extent required under federal law;
919 and

920 (b) shall limit consideration of the information contained in the prohibited submission
921 to the extent necessary to satisfy the requirement under federal law.

922 (5) Nothing in this section prohibits a governmental employer from:

923 (a) requiring compliance with state or federal law, including laws relating to prohibited
924 discrimination or harassment; or

925 (b) enforcing state law, including state or federal laws relating to prohibited
926 discrimination or harassment.

927 Section 12. Section **67-27-106** is enacted to read:

928 **67-27-106. Prohibition on the use of certain training by governmental employers**

929 **-- Exceptions.**

930 (1) As used in this section:

931 (a) "Governmental employer" means the same as that term is defined in Subsection
932 [67-27-105](#).

933 (b) (i) "Prohibited training" means a mandatory instructional program and related
934 materials that a governmental employer requires the governmental employer's current or
935 prospective employees to attend that promote prohibited discriminatory practices as that term is
936 defined in Section [53B-1-118](#).

937 (ii) "Prohibited training" includes an in-person or online seminar, discussion group,
938 workshop, other program, or related materials.

939 (iii) "Prohibited training" does not include human resource training for employees that
940 is necessary to comply with state law or federal law.

941 (2) A governmental employer may not require prohibited training.

942 Section 13. Section **67-27-107** is enacted to read:

943 **67-27-107. Prohibited discriminatory practices -- Restrictions -- Reporting.**

944 (1) As used in this section:

945 (a) "Governmental employer" means the same as that term is defined in Subsection
946 [67-27-105](#).

947 (b) "Prohibited discriminatory practice" means the same as that term is defined in
948 Section [53B-1-118](#).

949 (2) A governmental employer may not:

950 (a) establish or maintain an office, division, or employment position to implement,
951 develop, plan, or promote prohibited discriminatory practices; or

952 (b) employ or assign an employee or a third-party whose duties include coordinating,
953 creating, developing, designing, implementing, organizing, planning, or promoting prohibited
954 discriminatory practices.

955 (3) (a) This section does not apply to a federal grant or program that would otherwise

956 require a governmental employer to engage in a prohibited discriminatory practice if the grant
957 has been reviewed and approved by the governmental employer's executive director, legislative
958 body, or governing body, as that term is defined in Section [10-1-104](#).

959 (b) A governmental employer's executive director, legislative body, or governing body
960 shall report to the Executive Appropriations Committee

961 (4) Nothing in this section limits or prohibits a governmental employer's authority to
962 establish policies that are necessary to comply with state or federal law, including laws relating
963 to prohibited discrimination or harassment.

964 Section 14. **Effective date.**

965 This bill takes effect on July 1, 2024.