

Representative Bradley G. Last proposes the following substitute bill:

LAND TRUSTS PROTECTION AND ADVOCACY ACT

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley G. Last

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill creates the Land Trusts Protection and Advocacy Office and amends provisions related to school and institutional trust lands.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Land Trusts Protection and Advocacy Office (advocacy office), with oversight by the state treasurer, to protect the interests of the current and future school and institutional trust lands beneficiaries;
- ▶ creates the Land Trusts Protection and Advocacy Committee to appoint an advocacy office director and oversee the activities of the advocacy office;
- ▶ provides for the appointment of an advocacy office director to carry out the duties of the advocacy office;
- ▶ creates the Land Trusts Protection and Advocacy Account;
- ▶ amends provisions related to school and institutional trust lands, including replacing certain State Board of Education duties with advocacy office duties;
- ▶ amends provisions related to the School LAND Trust Program, including providing for the appointment of a School LAND Trust Program director; and



26 ▶ makes technical and conforming corrections.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 This bill provides coordination clauses.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53C-1-103**, as last amended by Laws of Utah 2012, Chapter 224

35 **53C-1-203**, as last amended by Laws of Utah 2014, Chapter 426

36 **53D-1-101**, as enacted by Laws of Utah 2014, Chapter 426

37 **53D-1-102**, as last amended by Laws of Utah 2016, Chapter 144

38 **53D-1-202**, as enacted by Laws of Utah 2014, Chapter 426

39 **53D-1-304**, as last amended by Laws of Utah 2017, Chapter 179

40 **53D-1-401**, as last amended by Laws of Utah 2017, Chapter 179

41 **53D-1-402**, as last amended by Laws of Utah 2015, Chapter 258

42 **53D-1-403**, as last amended by Laws of Utah 2017, Chapter 179

43 **53D-1-501**, as last amended by Laws of Utah 2017, Chapter 179

44 **53D-1-502**, as enacted by Laws of Utah 2014, Chapter 426

45 **53F-2-203**, as renumbered and amended by Laws of Utah 2018, Chapter 2

46 **53F-2-404**, as renumbered and amended by Laws of Utah 2018, Chapter 2

47 **53F-9-201**, as renumbered and amended by Laws of Utah 2018, Chapter 2

48 **53G-5-410**, as renumbered and amended by Laws of Utah 2018, Chapter 3

49 **53G-7-1202**, as renumbered and amended by Laws of Utah 2018, Chapter 3

50 **53G-7-1203**, as renumbered and amended by Laws of Utah 2018, Chapter 3

51 **67-4-1**, as last amended by Laws of Utah 2017, Chapter 11

52 ENACTS:

53 **53D-2-101**, Utah Code Annotated 1953

54 **53D-2-102**, Utah Code Annotated 1953

55 **53D-2-201**, Utah Code Annotated 1953

56 **53D-2-202**, Utah Code Annotated 1953

57 **53D-2-203**, Utah Code Annotated 1953

58 **53D-2-204**, Utah Code Annotated 1953

59 **53G-7-1205**, Utah Code Annotated 1953

60 **53G-7-1206**, Utah Code Annotated 1953

61 REPEALS:

62 **53E-3-514**, as renumbered and amended by Laws of Utah 2018, Chapter 1

63 **Utah Code Sections Affected by Coordination Clause:**

64 **53D-1-403**, as last amended by Laws of Utah 2017, Chapter 179

65 **53F-2-414**, Utah Code Annotated 1953

66 **53G-7-1202**, as renumbered and amended by Laws of Utah 2018, Chapter 3



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

69 Section 1. Section **53C-1-103** is amended to read:

70 **53C-1-103. Definitions.**

71 As used in this title:

72 (1) "Administration" means the School and Institutional Trust Lands Administration.

73 (2) "Board" or "board of trustees" means the School and Institutional Trust Lands
74 Board of Trustees.

75 (3) "Director" or "director of school and institutional trust lands" means the chief
76 executive officer of the School and Institutional Trust Lands Administration.

77 (4) "Mineral" includes oil, gas, and hydrocarbons.

78 (5) "Nominating committee" means the committee that nominates candidates for
79 positions and vacancies on the board.

80 (6) "Policies" means statements applying to the administration that broadly prescribe a
81 future course of action and guiding principles.

82 (7) "Primary beneficiary representative" means the [~~State Board of Education~~] the Land
83 Trusts Protection and Advocacy Office, created in Section **53D-2-201**, acting as representative
84 on behalf of the following trusts:

85 (a) the trust established for common schools;

86 (b) the trust established for schools for the blind; and

87 (c) the trust established for schools for the deaf.

88 (8) "School and institutional trust lands" or "trust lands" means those properties
89 granted by the United States in the Utah Enabling Act to the state in trust, and other lands
90 transferred to the trust, which must be managed for the benefit of:

- 91 (a) the state's public education system; or
- 92 (b) the institutions of the state which are designated by the Utah Enabling Act as
93 beneficiaries of trust lands.

94 Section 2. Section 53C-1-203 is amended to read:

95 **53C-1-203. Board of trustees nominating committee -- Composition --**

96 **Responsibilities -- Per diem and expenses.**

97 (1) There is established an 11 member board of trustees nominating committee.

98 (2) (a) ~~[The]~~ (i) Through July 30, 2018, the State Board of Education shall appoint five
99 members to the nominating committee from different geographical areas of the state.

100 (ii) Beginning on August 1, 2018, the five members of the Land Trusts Protection and
101 Advocacy Committee, created in Section 53D-2-202, shall serve on the nominating committee.

102 (b) The governor shall appoint five members to the nominating committee on or before
103 the December 1 of the year preceding the vacancy on the nominating committee as follows:

104 (i) (A) through July 30, 2018, one individual from a nomination list of at least two
105 names of individuals knowledgeable about institutional trust lands submitted on or before the
106 October 1 of the year preceding the vacancy on the nominating committee by the University of
107 Utah and Utah State University on an alternating basis every four years; and

108 (B) beginning on August 1, 2018, one individual who is knowledgeable about real
109 estate development;

110 (ii) one individual from a nomination list of at least two names submitted by the Utah
111 Farm Bureau in consultation with the Utah Cattleman's Association and the Utah Wool
112 Growers' Association on or before the October 1 of the year preceding the vacancy on the
113 nominating committee;

114 (iii) one individual from a nomination list of at least two names submitted by the Utah
115 Petroleum Association on or before the October 1 of the year preceding the vacancy on the
116 nominating committee;

117 (iv) one individual from a nomination list of at least two names submitted by the Utah
118 Mining Association on or before the October 1 of the year preceding the vacancy on the

119 nominating committee; and

120 (v) one individual from a nomination list of at least two names submitted by the
121 executive director of the Department of Natural Resources after consultation with statewide
122 wildlife and conservation organizations on or before the October 1 of the year preceding the
123 vacancy on the nominating committee.

124 (c) The president of the Utah Association of Counties shall designate the chair of the
125 Public Lands Steering Committee, who must be an elected county commissioner or councilor,
126 to serve as the eleventh member of the nominating committee.

127 (3) (a) Except as required by [~~Subsection~~] Subsections (3)(b) and (d), each member
128 shall serve a four-year term.

129 (b) [~~Notwithstanding the requirements of Subsection (3)(a), the state board and the~~]
130 The governor shall, at the time of appointment or reappointment, adjust the length of terms to
131 ensure that the terms of committee members are staggered so that approximately half of the
132 committee is appointed every two years.

133 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
134 appointed for the unexpired term.

135 (d) The term of a member of the nominating committee who is appointed under
136 Subsection (2)(a)(i) or (2)(b)(i)(A) shall end on July 30, 2018.

137 (4) The nominating committee shall select a chair and vice chair from its membership
138 by majority vote.

139 (5) (a) The nominating committee shall nominate at least two candidates for each
140 position or vacancy which occurs on the board of trustees except for the governor's appointee
141 under Subsection [53C-1-202\(5\)](#).

142 (b) The nominations shall be by majority vote of the committee.

143 (6) A member may not receive compensation or benefits for the member's service, but
144 may receive per diem and travel expenses in accordance with:

145 (a) Section [63A-3-106](#);

146 (b) Section [63A-3-107](#); and

147 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
148 [63A-3-107](#).

149 (7) The [~~School Children's Trust Section, established in Section [53A-16-101.6](#)~~] Land

150 Trusts Protection and Advocacy Office, created in Section 53D-2-201, shall provide staff
151 support to the nominating committee.

152 Section 3. Section 53D-1-101 is amended to read:

153 **TITLE 53D. SCHOOL AND INSTITUTIONAL TRUST FUND MANAGEMENT AND**
154 **LAND TRUSTS PROTECTION AND ADVOCACY OFFICE**

155 **53D-1-101. Title.**

156 (1) This title is known as [~~"School and Institutional Trust Fund."~~] "School and
157 Institutional Trust Fund Management and Land Trusts Protection and Advocacy Office."

158 (2) This chapter is known as the "School and Institutional Trust Fund Management
159 Act."

160 Section 4. Section 53D-1-102 is amended to read:

161 **53D-1-102. Definitions.**

162 As used in this chapter:

163 (1) "Account" means the School and Institutional Trust Fund Management Account,
164 created in Section 53D-1-203.

165 (2) "Advocacy office director" means the director of the Land Trusts Protection and
166 Advocacy Office, appointed under Section 53D-2-203.

167 [~~(2)~~] (3) "Beneficiaries":

168 (a) means those for whose benefit the trust fund is managed and preserved, consistent
169 with the enabling act, the Utah Constitution, and state law; and

170 (b) does not include other government institutions or agencies, the public at large, or
171 the general welfare of the state.

172 [~~(3)~~] (4) "Board" means the board of trustees established in Section 53D-1-301.

173 [~~(4)~~] (5) "Director" means the director of the office.

174 [~~(5)~~] (6) "Enabling act" means the act of Congress, dated July 16, 1894, enabling the
175 people of Utah to form a constitution and state government and to be admitted into the Union.

176 [~~(6)~~] (7) "Nominating committee" means the committee established under Section
177 53D-1-501.

178 [~~(7)~~] (8) "Office" means the School and Institutional Trust Fund Office, created in
179 Section 53D-1-201.

180 [~~(8)~~] "~~School children's trust section~~" means the ~~School Children's Trust Section~~ under

181 ~~the State Board of Education, established in Section [53A-16-101.6](#).]~~

182 (9) "Land Trusts Protection and Advocacy Office" or "advocacy office" means the
183 Land Trusts Protection and Advocacy Office created in Section [53D-2-201](#).

184 ~~[(9)]~~ (10) "Trust fund" means money derived from:

185 (a) the sale or use of land granted to the state under Sections 6, 8, and 12 of the
186 enabling act;

187 (b) proceeds referred to in Section 9 of the enabling act from the sale of public land;
188 and

189 (c) revenue and assets referred to in Utah Constitution, Article X, Section 5,
190 Subsections (1)(c), (e), and (f).

191 Section 5. Section **53D-1-202** is amended to read:

192 **53D-1-202. Access to office records and personnel.**

193 (1) The office shall provide board members and the ~~[director of the school children's~~
194 ~~trust section]~~ advocacy office director access to all office records and personnel as necessary
195 for board members and the ~~[director of the school children's trust section]~~ advocacy office
196 director to fulfill their responsibilities to ensure that the office is in full compliance with
197 applicable law and policies.

198 (2) If the director requires, board members and the ~~[director of the school children's~~
199 ~~trust section]~~ advocacy office director shall maintain confidentiality of information they obtain
200 from office records and personnel.

201 Section 6. Section **53D-1-304** is amended to read:

202 **53D-1-304. Board meetings.**

203 (1) The board shall hold at least six meetings per year to conduct business.

204 (2) The board chair or two board members:

205 (a) may call a board meeting; and

206 (b) if calling a board meeting, shall provide as much advance notice as is reasonable
207 under the circumstances to all board members, the director, and the ~~[director of the school~~
208 ~~children's trust section]~~ advocacy office director.

209 (3) Any board member may place an item on a board meeting agenda.

210 (4) The board shall annually adopt a set of parliamentary procedures to govern board
211 meetings.

212 (5) The board may establish an attendance policy to govern the attendance of board
213 members at board meetings.

214 Section 7. Section **53D-1-401** is amended to read:

215 **53D-1-401. Appointment of director -- Qualifications -- Nature of employment --**
216 **Removal by State Board of Education petition.**

217 (1) The office shall be managed by a director.

218 (2) If there is a vacancy in the director position, the board shall appoint an individual as
219 director.

220 (3) The board shall ensure that an individual appointed as director possesses:

221 (a) outstanding professional qualifications pertinent to the prudent investment of trust
222 fund money; and

223 (b) expertise in institutional investment management.

224 (4) The director is an at-will employee who may be removed by the board at any time
225 with or without cause.

226 (5) (a) The [~~State Board of Education~~] advocacy office director may submit a written
227 petition to the board requesting the board to remove the director for cause, explained in the
228 petition.

229 (b) The board shall hold a hearing on a petition under Subsection (5)(a) within 45 days
230 after receiving the petition.

231 (c) If, after holding a hearing, the board finds by a preponderance of the evidence that
232 there is cause for removing the director, the board shall remove the director.

233 Section 8. Section **53D-1-402** is amended to read:

234 **53D-1-402. Director duties and responsibilities.**

235 (1) The director has broad authority to manage the office to fulfill its purposes,
236 consistent with the enabling act, the Utah Constitution, state law, and board policies.

237 (2) The director shall:

238 (a) before assuming the duties of director, take an oath that includes the following:

239 "I solemnly swear to carry out my duties as director of the School and Institutional
240 Trust Fund Office with undivided loyalty to the beneficiaries of the trust fund managed by the
241 office, to the best of my abilities and consistent with the law.";

242 (b) carry out the policies of the board;

243 (c) act with undivided loyalty to those entitled to the benefit of income from the trust
244 fund, consistent with the director's fiduciary duties and responsibilities;

245 (d) follow the prudent investor rule, prudently seeking to obtain the optimum return
246 from the investment of trust fund money and assets, balancing short-term and long-term
247 interests under the principle of intergenerational equity;

248 (e) exercise full discretionary authority to manage, maintain, transfer, or sell assets of
249 the trust fund in the manner that the director determines to be most favorable to beneficiaries;

250 (f) maintain the integrity of the trust fund and prevent, through prudent management,
251 the misapplication of trust fund money;

252 (g) adopt rules, as provided in Subsection 53D-1-103(4), that are necessary for the
253 proper exercise of the director's duties under this chapter and policies established by the board;

254 (h) faithfully manage the office under policies established by the board;

255 (i) annually submit to the board:

256 (i) an office budget; and

257 (ii) a financial plan for operations of the office;

258 (j) after board approval of the office budget, submit the budget to the governor and the
259 Legislature;

260 (k) direct and control budget expenditures;

261 (l) establish job descriptions and, within budgetary constraints, employ staff necessary
262 to accomplish the purposes of the office;

263 (m) in accordance with generally accepted principles of fund accounting, establish a
264 system to identify and account for the trust fund assets;

265 (n) notify the [~~director of the school children's trust section~~] advocacy office director of
266 major items that the director knows may be useful to the [~~director of the school children's trust~~
267 ~~section~~] advocacy office director in protecting the rights of beneficiaries;

268 (o) maintain appropriate records of trust fund activities to enable auditors to conduct
269 periodic audits;

270 (p) respond in writing within a reasonable time to a request by the [~~director of the~~
271 ~~school children's trust section~~] advocacy office director for information on policies and
272 practices affecting the management of the trust fund; and

273 (q) respond to a question that the board submits under Subsection 53D-1-303(4)(b)

274 within a reasonable time after receiving the question.

275 (3) The office may:

276 (a) sue or be sued; and

277 (b) contract with other public agencies for personnel management services.

278 Section 9. Section **53D-1-403** is amended to read:

279 **53D-1-403. Reports.**

280 (1) At least annually, the director shall report in person to the Legislative Management
281 Committee, the governor, and the [~~State Board of Education~~] advocacy office, concerning the
282 office's investments, performance, estimated distributions, and other activities.

283 (2) The director shall report to the board concerning the work of the director and the
284 investment activities and other activities of the office:

285 (a) in a public meeting at least six times per year; and

286 (b) as otherwise requested by the board.

287 (3) (a) Before November 1 of each year, the director shall:

288 (i) submit a written report to school community councils, created under Section

289 [~~53A-1a-108~~] 53G-7-1202, and charter trust land councils, established under Section

290 [~~53A-16-101.5~~] 53G-7-1205, concerning the office's investments, performance, estimated
291 distributions, and other activities; and

292 (ii) post the written report described in Subsection (3)(a)(i) on the office's website.

293 (b) A report under Subsection (3)(a) shall be prepared in simple language designed to
294 be understood by the general public.

295 (4) The director shall provide to the board:

296 (a) monthly written reports on the activities of the office;

297 (b) quarterly financial reports; and

298 (c) any other report requested by the board.

299 (5) The director shall:

300 (a) invite the [~~director of the school children's trust section~~] advocacy office director to
301 attend any meeting at which the director gives a report under this section; and

302 (b) provide the [~~director of the school children's trust section~~] advocacy office director:

303 (i) a copy of any written report prepared under this section; and

304 (ii) any other report requested by the [~~director of the school children's trust section~~]

305 advocacy office director.

306 Section 10. Section **53D-1-501** is amended to read:

307 **53D-1-501. Nominating committee -- Membership -- Terms -- Vacancies --**

308 **Compensation.**

309 (1) There is established a School and Institutional Trust Fund Nominating Committee.

310 (2) The nominating committee consists of:

311 (a) four members, appointed by the [~~State Board of Education~~] state treasurer upon
312 recommendation by the [~~director of the school children's trust section~~] advocacy office director,

313 each of whom is a member of a respected professional investment organization;

314 (b) the chief investment officer of the University of Utah endowment;

315 (c) the chief investment officer of the Utah State University endowment; and

316 (d) the [~~director of the school children's trust section~~] advocacy office director.

317 (3) An individual appointed as a member of the nominating committee under

318 Subsection (2)(a) shall be appointed based on the individual's expertise in:

319 (a) investment finance;

320 (b) institutional asset management;

321 (c) trust administration; or

322 (d) the practice of law in the areas of capital markets, securities law, trusts,
323 foundations, endowments, investment finance, institutional asset management, or trust
324 administration.

325 (4) The term of a member appointed under Subsection (2)(a) is four years.

326 (5) A nominating committee member shall serve until a successor is appointed and
327 qualified.

328 (6) (a) If a member appointed under Subsection (2)(a) leaves office, the vacancy shall
329 be filled in the same manner as the initial appointment under Subsection (2)(a).

330 (b) An individual appointed to fill a vacancy under Subsection (6)(a) serves the
331 remainder of the unexpired term.

332 (7) A member of the nominating committee may not receive compensation or benefits
333 for the member's service, but may receive per diem and travel expenses in accordance with:

334 (a) Section [63A-3-106](#);

335 (b) Section [63A-3-107](#); and

336 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
337 63A-3-107.

338 Section 11. Section 53D-1-502 is amended to read:

339 **53D-1-502. Chair and vice chair -- Quorum and voting requirements -- Bylaws --**
340 **Staff.**

341 (1) The nominating committee shall select a chair and vice chair from its members.

342 (2) (a) Four members of the nominating committee constitute a quorum.

343 (b) An action of the nominating committee requires the affirmative vote of at least four
344 members.

345 (3) The nominating committee shall establish bylaws to govern the nominating
346 committee.

347 (4) The [~~school children's trust section~~] advocacy office shall provide staff support to
348 the nominating committee.

349 Section 12. Section 53D-2-101 is enacted to read:

350 **CHAPTER 2. LAND TRUSTS PROTECTION AND ADVOCACY OFFICE**

351 **Part 1. General Provisions**

352 **53D-2-101. Title.**

353 This chapter is known as "Land Trusts Protection and Advocacy Office."

354 Section 13. Section 53D-2-102 is enacted to read:

355 **53D-2-102. Definitions.**

356 As used in this chapter:

357 (1) "Advocacy committee" means the Land Trusts Protection and Advocacy
358 Committee, created in Section 53D-2-202.

359 (2) "Advocacy director" means the director of the advocacy office, appointed as
360 described in Section 53D-2-203.

361 (3) "Advocacy office" means the Land Trusts Protection and Advocacy Office, created
362 in Section 53D-2-201.

363 (4) "School and institutional trust" or "trust" includes:

364 (a) school and institutional trust lands, as defined in Section 53C-1-103, and related
365 assets; and

366 (b) funds and investments of school and institutional trust land revenue, as described in

367 Title 53D, Chapter 1, School and Institutional Trust Fund Management Act.

368 (5) "School and Institutional Trust System" means:

369 (a) the School and Institutional Trust Lands Administration, described in Title 53C,
370 School and Institutional Trust Lands Management Act;

371 (b) the School and Institutional Trust Fund Office, described in Title 53D, Chapter 1,
372 School and Institutional Trust Fund Management Act;

373 (c) the Land Trusts Protection and Advocacy Office, described in this chapter; and

374 (d) the School LAND Trust Program, described in Sections [53F-2-404](#) and
375 [53G-7-1206](#).

376 (6) "Trust beneficiaries" means those for whose benefit the school and institutional
377 trust is managed and preserved, as required by:

378 (a) the Utah Enabling Act;

379 (b) the Utah Constitution; and

380 (c) state law.

381 Section 14. Section **53D-2-201** is enacted to read:

382 **Part 2. Land Trusts Protection and Advocacy Office**

383 **53D-2-201. Land Trusts Protection and Advocacy Office -- State treasurer**
384 **oversight and rulemaking -- Advocacy office duties.**

385 (1) There is created the Land Trusts Protection and Advocacy Office to represent the
386 beneficiary interests of the school and institutional trust in advocating for:

387 (a) distribution of trust revenue to current beneficiaries; and

388 (b) generation of trust revenue for future beneficiaries.

389 (2) The state treasurer shall:

390 (a) acting in a fiduciary capacity to trust beneficiaries, oversee and support the
391 advocacy of the advocacy office, including:

392 (i) determining reporting requirements for the advocacy director and advocacy office;

393 and

394 (ii) submitting an advocacy office budget to the Legislature; and

395 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
396 this chapter, make rules to administer the advocacy office, including the duties described in

397 Subsection (2)(a).

398 (3) The advocacy office shall have:

399 (a) an advocacy director, as described in Section [53D-2-203](#); and

400 (b) staff.

401 (4) In accordance with the Utah Enabling Act, the Utah Constitution, and state law, the
402 advocacy office shall act with undivided loyalty to the trust beneficiaries, advocating against
403 the state using a trust asset to pursue a state goal that is inconsistent with a purpose of the trust
404 associated with that asset.

405 (5) To protect current and future beneficiary rights and interests as described in
406 Subsection (1), the advocacy office shall advocate for:

407 (a) productive use of and optimal revenue from school and institutional trust lands by
408 the School and Institutional Trust Lands Administration, as described in Title 53C, School and
409 Institutional Trust Lands Management Act;

410 (b) prudent and profitable investment of trust funds by the School and Institutional
411 Trust Fund Office, as described in Title 53D, Chapter 1, School and Institutional Trust Fund
412 Management Act;

413 (c) effective distribution of funds to public schools through the School LAND Trust
414 Program described in Sections [53F-2-404](#) and [53G-7-1206](#); and

415 (d) optimization of revenue to all trust beneficiaries.

416 (6) To fulfill the advocacy office's duties to trust beneficiaries, the advocacy office
417 shall:

418 (a) stay informed on the administration of the trust and trust assets, including:

419 (i) major School and Institutional Trust Land Administration transactions; and

420 (ii) the School and Institutional Trust Fund Office investments and investment policy
421 statements;

422 (b) fulfill advocacy office responsibilities and manage advocacy office activities in a
423 prudent and professional manner;

424 (c) promote efficient use of trust budgets for trust beneficiaries; and

425 (d) properly account to trust beneficiaries and the Legislature, as described in Section
426 [53D-2-203](#).

427 Section 15. Section **53D-2-202** is enacted to read:

428 **53D-2-202. Land Trusts Protection and Advocacy Committee -- Duties --**

429 **Governance.**

- 430 (1) There is created the Land Trusts Protection and Advocacy Committee to:
431 (a) oversee the activities of the advocacy director and the advocacy office;
432 (b) submit advocacy director candidate names to the state treasurer, as described in
433 Section [53D-2-203](#);
434 (c) receive quarterly reports from the advocacy director;
435 (d) review, amend as necessary, and transmit to the state treasurer proposed rules
436 submitted by the advocacy director;
437 (e) receive the annual report described in Section [53D-2-203](#) from the advocacy
438 director; and
439 (f) give policy direction to the advocacy office.
440 (2) In accordance with Subsection (3), the advocacy committee consists of the
441 following five members:
442 (a) two individuals appointed by the School and Institutional Trust Lands Board of
443 Trustees;
444 (b) one individual appointed by the School and Institutional Trust Fund Board of
445 Trustees;
446 (c) one individual appointed by the state treasurer; and
447 (d) the School LAND Trust Program director described in Section [53G-7-1206](#).
448 (3) A member of the advocacy committee:
449 (a) may not be:
450 (i) the state treasurer or a current employee of the state treasurer;
451 (ii) a member of the School and Institutional Trust Lands Board of Trustees;
452 (iii) an employee of the School and Institutional Trust Lands Administration;
453 (iv) a member of the School and Institutional Trust Fund Board of Trustees; or
454 (v) an employee of the School and Institutional Trust Fund Office.
455 (b) shall have significant qualifications related to the purposes and activities of the
456 school and institutional trust, such as:
457 (i) nonrenewable resource development;
458 (ii) renewable resource management;
459 (iii) real estate development; or

460 (iv) investment management; and

461 (c) shall have demonstrated a commitment of time and loyalty to the purposes of the
462 trust.

463 (4) (a) Except as provided in Subsections (4)(b) and (c), an appointed member of the
464 advocacy committee shall:

465 (i) serve a four-year term; and

466 (ii) receive notification of an appointment on or before December 1 of the year before
467 the vacancy occurs for which the member is appointed.

468 (b) At the time of appointment or reappointment, the state treasurer shall adjust the
469 length of the initial terms of the advocacy committee's appointed members to ensure that the
470 terms are staggered so that approximately half of the advocacy committee is appointed every
471 two years.

472 (c) If a vacancy occurs during the course of an appointed member's term, the
473 appointing entity shall immediately appoint a replacement for the unexpired term.

474 (5) Advocacy committee members shall annually elect a chair.

475 (6) (a) The advocacy committee shall meet at least quarterly, at a time set by the chair.

476 (b) The chair or any two members of the advocacy committee may call an additional
477 meeting.

478 (7) (a) A quorum for the transaction of business is four members of the advocacy
479 committee.

480 (b) Action by a majority of a quorum present constitutes the action of the advocacy
481 committee.

482 (8) An advocacy committee member may not receive compensation or benefits for the
483 member's service, but may receive per diem and travel expenses in accordance with:

484 (a) Section [63A-3-106](#);

485 (b) Section [63A-3-107](#); and

486 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
487 [63A-3-107](#).

488 (9) The state treasurer's office shall provide staff support to the advocacy committee.

489 Section 16. Section **53D-2-203** is enacted to read:

490 **53D-2-203. Land Trusts Protection and Advocacy Office director -- Appointment**

491 -- Removal -- Power and duties.

492 (1) (a) The advocacy committee shall:493 (i) discuss candidates who may qualify for appointment as the advocacy director, as
494 described in Subsection (1)(b);495 (ii) determine the two most qualified candidates; and496 (iii) submit the names of those two candidates to the state treasurer as potential
497 appointees for the advocacy director.498 (b) A potential appointee for advocacy director shall have significant expertise and
499 qualifications relating to generating revenue to the school and institutional trust and the duties
500 of the advocacy office and the advocacy director, which may include expertise in:501 (i) business;502 (ii) finance;503 (iii) economics;504 (iv) natural resources; or505 (v) advocacy.506 (c) From the individuals described in Subsection (1)(a), the state treasurer shall appoint
507 one as the advocacy director.508 (2) (a) An advocacy director shall serve a four-year term.509 (b) If a vacancy occurs in the advocacy director's position, the advocacy committee and
510 state treasurer shall, in accordance with Subsection (1), appoint a replacement director for a
511 four-year term.512 (3) The advocacy committee may remove the advocacy director during a meeting that
513 is not closed as described in Section [52-4-204](#), if:514 (a) removal of the advocacy director is scheduled on the agenda for the meeting; and515 (b) a majority of a committee quorum votes to remove the advocacy director.516 (4) In accordance with state and federal law, the advocacy director may attend a
517 presentation, discussion, meeting, or other gathering related to the school and institutional trust.518 (5) In order to fulfill the duties of the advocacy office described in Section [53D-2-201](#),
519 the advocacy director shall:520 (a) maintain a direct relationship with each individual who is key to fulfilling the state's
521 trustee obligations and duties related to the trust;

- 522 (b) facilitate open communication among key individuals described in Subsection
523 (5)(a);
- 524 (c) actively seek necessary and accurate information;
525 (d) review and, if necessary, recommend the state auditor audit activities involved in:
526 (i) generating trust revenue;
527 (ii) protecting trust assets; or
528 (iii) distributing funds for the exclusive use of trust beneficiaries;
529 (e) promote accurate record keeping of all records relevant to the trust and distribution
530 to trust beneficiaries;
- 531 (f) report at least quarterly to the advocacy committee and the state treasurer on the
532 current activities of the advocacy office;
- 533 (g) annually submit a proposed advocacy office budget to the state treasurer;
534 (h) regarding the trust's compliance with law, and among the School and Institutional
535 Trust Lands System as a whole, report annually to:
- 536 (i) the advocacy committee;
537 (ii) the state treasurer;
538 (iii) the State Board of Education; and
539 (iv) the Executive Appropriations Committee;
- 540 (i) annually send a financial report regarding the relevant individual trust, and, upon
541 request, report in person to:
- 542 (i) Utah State University, on behalf of the agricultural college trust;
543 (ii) the University of Utah;
544 (iii) the Utah State Hospital, on behalf of the mental hospital trust;
545 (iv) the Utah Schools for the Deaf and the Blind, on behalf of the institution for the
546 blind trust and the deaf and dumb asylum trust;
- 547 (v) the youth in custody program at the State Board of Education, on behalf of the
548 reform school trust;
- 549 (vi) the Division of Water Resources, created in Section [73-10-18](#), on behalf of the
550 reservoir trust;
- 551 (vii) the College of Mines and Earth Sciences created in Section [53B-17-401](#);
552 (viii) each state teachers' college, based on the college's annual number of teacher

553 graduates, on behalf of the normal school trust;
554 (ix) the Miners' Hospital described in Section 53B-17-201; and
555 (x) the State Capitol Preservation Board, created in Section 63C-9-201, on behalf of
556 the public buildings trust;
557 (j) as requested by the state treasurer, draft proposed rules and submit the proposed
558 rules to the advocacy committee for review;
559 (k) in accordance with state and federal law, respond to external requests for
560 information about the School and Institutional Trust Lands System;
561 (l) in accordance with state and federal law, speak on behalf of trust beneficiaries:
562 (i) at School and Institutional Trust Lands Administration meetings;
563 (ii) at School and Institutional Trust Fund Office meetings; and
564 (iii) with the media;
565 (m) review proposed legislation that affects the school and institutional trust and trust
566 beneficiaries and advocate for legislative change that best serves the interests of the trust
567 beneficiaries; and
568 (n) educate the public regarding the School and Institutional Trust Lands System.
569 (6) With regard to reviewing the activities described in Subsection (5)(d), the advocacy
570 director may have access to the financial reports and other data required for a review.
571 Section 17. Section **53D-2-204** is enacted to read:
572 **53D-2-204. Land Trusts Protection and Advocacy Account -- Funding of**
573 **advocacy office operations.**
574 (1) As used in this section:
575 (a) "Account" means the Land Trusts Protection and Advocacy Account created in this
576 section.
577 (b) "School and Institutional Trust Fund Office director" or "SITFO director" means
578 the director of the School and Institutional Trust Fund Office, appointed under Section
579 53D-1-401.
580 (c) "Trust fund" means the same as that term is defined in Section 53D-1-102.
581 (2) There is created an enterprise fund known as the Land Trusts Protection and
582 Advocacy Account.
583 (3) The account is funded by money deposited into the account as provided in

584 Subsection (4).

585 (4) (a) During a fiscal year, the SITFO director shall deposit into the account a total
586 amount of money, taken proportionately from trust fund assets according to the value of the
587 various funds established for the trust beneficiaries, that is equal to the annual appropriation
588 that the Legislature makes to the advocacy office.

589 (b) The advocacy office may use money in the account to pay for the advocacy office's
590 operating costs.

591 (c) If the amount of money deposited into the account under Subsection (4)(a) in any
592 fiscal year exceeds the amount required by the advocacy office during that year to fund
593 advocacy office operations, the SITFO director shall distribute the excess money
594 proportionately to the various funds established for the trust beneficiaries, based on the
595 balances of those funds as of June 30.

596 Section 18. Section **53F-2-203** is amended to read:

597 **53F-2-203. Reduction of local education board allocation based on insufficient**
598 **revenues.**

599 (1) As used in this section, "Minimum School Program funds" means the total of state
600 and local funds appropriated for the minimum school program, excluding:

- 601 (a) the state-supported voted local levy program pursuant to Section [53F-2-601](#);
- 602 (b) the state-supported board local levy program pursuant to Section [53F-2-602](#); and
- 603 (c) the appropriation to charter schools to replace local property tax revenues pursuant
604 to Section [53F-2-704](#).

605 (2) If the Legislature reduces appropriations made to support public schools under this
606 chapter because an Education Fund budget deficit, as defined in Section [63J-1-312](#), exists, the
607 State Board of Education, after consultation with each local education board, shall allocate the
608 reduction among school districts and charter schools in proportion to each school district's or
609 charter school's percentage share of Minimum School Program funds.

610 (3) Except as provided in Subsection (5) and subject to the requirements of Subsection
611 (7), a local education board shall determine which programs are affected by a reduction
612 pursuant to Subsection (2) and the amount each program is reduced.

613 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified
614 amount in any particular program is waived if reductions are made pursuant to Subsection (2).

615 (5) A local education board may not reduce or reallocate spending of funds distributed
616 to the school district or charter school for the following programs:

- 617 (a) educator salary adjustments provided in Section 53F-2-405;
- 618 (b) the Teacher Salary Supplement Program provided in Section 53F-2-504;
- 619 (c) the extended year for special educators provided in Section 53F-2-310;
- 620 (d) USTAR centers provided in Section 53F-2-505;
- 621 (e) the School LAND Trust Program [~~created in Section~~] described in Sections
622 53F-2-404 and 53F-7-1206; or

623 (f) a special education program within the Basic School Program.

624 (6) A local education board may not reallocate spending of funds distributed to the
625 school district or charter school to a reserve account.

626 (7) A local education board that reduces or reallocates funds in accordance with this
627 section shall report all transfers into, or out of, Minimum School Program programs to the
628 State Board of Education as part of the school district or charter school's Annual Financial and
629 Program report.

630 Section 19. Section 53F-2-404 is amended to read:

631 **53F-2-404. School LAND Trust Program distribution of funds.**

632 [~~(1) As used in this section:~~]

633 [~~(a) "Charter agreement" means an agreement made in accordance with Section~~
634 ~~53G-5-303 that authorizes the operation of a charter school.~~]

635 [~~(b) "Charter school authorizer" means the same as that term is defined in Section~~
636 ~~53G-5-102.~~]

637 [~~(c) "Charter trust land council" means a council established by a charter school~~
638 ~~governing board under this section.~~]

639 [~~(d) "Council" means a school community council or a charter trust land council.~~]

640 [~~(e) "District school" means a public school under the control of a local school board~~
641 ~~elected under Title 20A, Chapter 14, Nomination and Election of State and Local School~~
642 ~~Boards.~~]

643 [~~(f) "School community council" means a council established at a district school in~~
644 ~~accordance with Section 53G-7-1202.~~]

645 [(2) There is established the School LAND (Learning And Nurturing Development)

646 Trust Program to:]

647 [~~(a) provide financial resources to public schools to enhance or improve student~~
648 ~~academic achievement and implement a component of a district school's school improvement~~
649 ~~plan or a charter school's charter agreement, and]~~

650 [~~(b) involve parents and guardians of a school's students in decision making regarding~~
651 ~~the expenditure of School LAND Trust Program money allocated to the school.]~~

652 [~~(3)~~] (1) (a) The [program] School LAND Trust Program, established in Section
653 53G-7-1206, shall be funded each fiscal year:

654 (i) from the Trust Distribution Account created in Section 53F-9-201; and

655 (ii) in the amount of the sum of the following:

656 (A) on or about July 15 each year, out of the distributions from the investment of
657 money in the permanent State School Fund deposited to the Trust Distribution Account [~~on or~~
658 ~~about July 15 each year~~]; and

659 (B) interest accrued on the Trust Distribution Account in the immediately preceding
660 fiscal year.

661 (b) The program shall be funded as provided in Subsection [~~(3)~~] (1)(a) up to an amount
662 equal to 3% of the funds provided for the Minimum School Program, pursuant to this chapter,
663 each fiscal year.

664 (c) [~~(1)~~] The Legislature shall annually allocate, through an appropriation to the State
665 Board of Education, a portion of the Trust Distribution Account created in Section 53F-9-201
666 to be used for[~~:]~~ the administration of the School LAND Trust Program.

667 [~~(A) the administration of the School LAND Trust Program; and]~~

668 [~~(B) the performance of duties described in Section 53E-3-514.]~~

669 [~~(1)~~] (d) Any unused balance remaining from an amount appropriated under
670 Subsection [~~(3)(c)(1)~~] (1)(c) shall be deposited in the Trust Distribution Account for
671 distribution to schools in the School LAND Trust Program.

672 [~~(4)~~] (2) (a) The State Board of Education shall allocate the money referred to in
673 Subsection [~~(3)~~] (1) annually as follows:

674 (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the
675 product of:

676 (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the

677 Blind divided by enrollment on October 1 in the prior year in public schools statewide; and

678 (B) the total amount available for distribution under Subsection ~~[(3)]~~ (1);

679 (ii) charter schools shall receive funding equal to the product of:

680 (A) charter school enrollment on October 1 in the prior year, divided by enrollment on

681 October 1 in the prior year in public schools statewide; and

682 (B) the total amount available for distribution under Subsection ~~[(3)]~~ (1); and

683 (iii) of the funds available for distribution under Subsection ~~[(3)]~~ (1) after the

684 allocation of funds for the Utah Schools for the Deaf and the Blind and charter schools:

685 (A) school districts shall receive 10% of the funds on an equal basis; and

686 (B) the remaining 90% of the funds shall be distributed to school districts on a per

687 student basis.

688 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

689 the State Board of Education shall make rules specifying a formula to distribute the amount

690 allocated under Subsection ~~[(4)]~~ (2)(a)(ii) to charter schools.

691 (ii) In making rules under Subsection ~~[(4)]~~ (2)(b)(i), the State Board of Education shall:

692 (A) consult with the State Charter School Board; and

693 (B) ensure that the rules include a provision that allows a charter school in the charter

694 school's first year of operations to receive funding based on projected enrollment, to be

695 adjusted in future years based on actual enrollment.

696 (c) A school district shall distribute its allocation under Subsection ~~[(4)]~~ (2)(a)(iii) to

697 each school within the school district on an equal per student basis.

698 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

699 State Board of Education may make rules regarding the time and manner in which the student

700 count shall be made for allocation of the money under Subsection ~~[(4)]~~ (2)(a)(iii).

701 ~~[(5) To receive its allocation under Subsection (4):]~~

702 ~~[(a) a district school shall have established a school community council in accordance~~

703 ~~with Section 53G-7-1202;]~~

704 ~~[(b) a charter school shall have established a charter trust land council in accordance~~

705 ~~with Subsection (9); and]~~

706 ~~[(c) the school's principal shall provide a signed, written assurance that the school is in~~

707 ~~compliance with Subsection (5)(a) or (b).]~~

708 ~~[(6) (a) A council shall create a program to use its allocation under Subsection (4) to~~
709 ~~implement a component of the school's improvement plan or charter agreement, including:]~~

710 ~~[(i) the school's identified most critical academic needs;]~~

711 ~~[(ii) a recommended course of action to meet the identified academic needs;]~~

712 ~~[(iii) a specific listing of any programs, practices, materials, or equipment which the~~
713 ~~school will need to implement a component of its school improvement plan to have a direct~~
714 ~~impact on the instruction of students and result in measurable increased student performance;~~
715 ~~and]~~

716 ~~[(iv) how the school intends to spend its allocation of funds under this section to~~
717 ~~enhance or improve academic excellence at the school.]~~

718 ~~[(b) (i) A council shall create and vote to adopt a plan for the use of School LAND~~
719 ~~Trust Program money in a meeting of the council at which a quorum is present.]~~

720 ~~[(ii) If a majority of the quorum votes to adopt a plan for the use of School LAND~~
721 ~~Trust Program money, the plan is adopted.]~~

722 ~~[(c) A council shall:]~~

723 ~~[(i) post a plan for the use of School LAND Trust Program money that is adopted in~~
724 ~~accordance with Subsection (6)(b) on the School LAND Trust Program website; and]~~

725 ~~[(ii) include with the plan a report noting the number of council members who voted~~
726 ~~for or against the approval of the plan and the number of council members who were absent for~~
727 ~~the vote.]~~

728 ~~[(d) (i) The local school board of a district school shall approve or disapprove a plan~~
729 ~~for the use of School LAND Trust Program money.]~~

730 ~~[(ii) If a local school board disapproves a plan for the use of School LAND Trust~~
731 ~~Program money:]~~

732 ~~[(A) the local school board shall provide a written explanation of why the plan was~~
733 ~~disapproved and request the school community council who submitted the plan to revise the~~
734 ~~plan; and]~~

735 ~~[(B) the school community council shall submit a revised plan in response to a local~~
736 ~~school board's request under Subsection (6)(d)(ii)(A).]~~

737 ~~[(iii) Once a plan has been approved by a local school board, a school community~~
738 ~~council may amend the plan, subject to a majority vote of the school community council and~~

739 local school board approval.]

740 [~~(e) A charter trust land council's plan for the use of School LAND Trust Program~~
741 ~~money is subject to approval by the:]~~

742 [~~(i) charter school governing board; and]~~

743 [~~(ii) charter school's charter school authorizer:]~~

744 [~~(7) (a) A district school or charter school shall:]~~

745 [~~(i) implement the program as approved;]~~

746 [~~(ii) provide ongoing support for the council's program; and]~~

747 [~~(iii) meet State Board of Education reporting requirements regarding financial and~~
748 ~~performance accountability of the program:]~~

749 [~~(b) (i) A district school or charter school shall prepare and post an annual report of the~~
750 ~~program on the School LAND Trust Program website each fall:]~~

751 [~~(ii) The report shall detail the use of program funds received by the school under this~~
752 ~~section and an assessment of the results obtained from the use of the funds:]~~

753 [~~(iii) A summary of the report shall be provided to parents or guardians of students~~
754 ~~attending the school:]~~

755 [~~(8) On or before October 1 of each year, a school district shall record the amount of~~
756 ~~the program funds distributed to each school under Subsection (4)(c) on the School LAND~~
757 ~~Trust Program website to assist schools in developing the annual report described in~~
758 ~~Subsection (7)(b):]~~

759 [~~(9) (a) The governing board of a charter school shall establish a council, which shall~~
760 ~~prepare a plan for the use of School LAND Trust Program money that includes the elements~~
761 ~~listed in Subsection (6):]~~

762 [~~(b) (i) The membership of the council shall include parents or guardians of students~~
763 ~~enrolled at the school and may include other members:]~~

764 [~~(ii) The number of council members who are parents or guardians of students enrolled~~
765 ~~at the school shall exceed all other members combined by at least two:]~~

766 [~~(c) A charter school governing board may serve as the council that prepares a plan for~~
767 ~~the use of School LAND Trust Program money if the membership of the charter school~~
768 ~~governing board meets the requirements of Subsection (9)(b)(ii):]~~

769 [~~(d) (i) Except as provided in Subsection (9)(d)(ii), council members who are parents~~

770 or guardians of students enrolled at the school shall be elected in accordance with procedures
771 established by the charter school governing board.]

772 [~~(ii)~~ Subsection ~~(9)(d)(i)~~ does not apply to a charter school governing board that serves
773 as the council that prepares a plan for the use of School LAND Trust Program money.]

774 [~~(e)~~ A parent or guardian of a student enrolled at the school shall serve as chair or
775 cochair of a council that prepares a plan for the use of School LAND Trust Program money.]

776 [~~(10)~~ The president or chair of a local school board or charter school governing board
777 shall ensure that the members of the local school board or charter school governing board are
778 provided with annual training on the requirements of this section.]

779 [~~(H)~~] (3) If the amount of money prescribed for funding the School LAND Trust
780 Program under this section is less than or greater than the money appropriated for the School
781 LAND Trust Program, the appropriation shall be equal to the amount of money prescribed for
782 funding the School LAND Trust Program in this section, up to a maximum of an amount equal
783 to 3% of the funds provided for the Minimum School Program.

784 [~~(I2)~~] (4) The State Board of Education shall distribute the money appropriated in
785 Subsection [~~(H)~~] (3) in accordance with this section and rules established by the board in
786 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

787 Section 20. Section **53F-9-201** is amended to read:

788 **53F-9-201. Uniform School Fund -- Contents -- Trust Distribution Account.**

789 (1) The Uniform School Fund, a special revenue fund within the Education Fund,
790 established by Utah Constitution, Article X, Section 5, consists of:

791 (a) distributions derived from the investment of money in the permanent State School
792 Fund established by Utah Constitution, Article X, Section 5;

793 (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform
794 Unclaimed Property Act; and

795 (c) all other constitutional or legislative allocations to the fund, including revenues
796 received by donation.

797 (2) (a) There is created within the Uniform School Fund a restricted account known as
798 the Trust Distribution Account.

799 (b) The Trust Distribution Account consists of the average of:

800 (i) 4% of the average market value of the permanent State School Fund based on an

801 annual review each July of the past 12 consecutive quarters; and

802 (ii) the prior year's distribution from the Trust Distribution Account as described in
803 Section [53F-2-404](#), increased by prior year changes in the percentage of student enrollment
804 growth and in the consumer price index.

805 (3) Notwithstanding Subsection (2)(b), the distribution may not exceed 4% of the
806 average market value of the permanent State School Fund over the past 12 consecutive
807 quarters.

808 (4) The School and Institutional Trust Fund Board of Trustees created in Section
809 [53D-1-301](#) shall:

810 (a) annually review distribution of the Trust Distribution Account; and

811 (b) make recommendations, if necessary, to the Legislature for changes to the formula
812 described in Subsection (2)(b).

813 (5) (a) Upon appropriation by the Legislature, the director of the School and
814 Institutional Trust Fund Office created in Section [53D-1-201](#) shall place in the Trust
815 Distribution Account funds for:

816 (i) the administration of the School LAND Trust Program as [~~provided in Section~~]
817 described in Sections [53F-2-404](#) and [53G-7-1206](#);

818 [~~(ii) the performance of duties described in Section [53E-3-514](#);~~]

819 [(~~iii~~)] (ii) the School and Institutional Trust Fund Office; and

820 [(~~iv~~)] (iii) the School and Institutional Trust Fund Board of Trustees created in Section
821 [53D-1-301](#).

822 (b) The Legislature may appropriate any remaining balance for the support of the
823 public education system.

824 Section 21. Section **53G-5-410** is amended to read:

825 **53G-5-410. Safe technology utilization and digital citizenship.**

826 A charter school governing board, or a council formed by a charter school governing
827 board to prepare a plan for the use of School LAND Trust Program money under Section
828 [~~53F-2-404~~] [53G-7-1206](#):

829 (1) shall provide for education and awareness on safe technology utilization and digital
830 citizenship that empowers:

831 (a) a student to make smart media and online choices; and

832 (b) a parent or guardian to know how to discuss safe technology use with the parent's
833 or guardian's child;

834 (2) shall partner with the school's principal and other administrators to ensure that
835 adequate on and off campus Internet filtering is installed and consistently configured to prevent
836 viewing of harmful content by students and school personnel, in accordance with charter school
837 governing board policy and Subsection 53G-7-216(3); and

838 (3) may partner with one or more non-profit organizations to fulfill the duties described
839 in Subsections (1) and (2).

840 Section 22. Section 53G-7-1202 is amended to read:

841 **53G-7-1202. School community councils -- Duties -- Composition -- Election**
842 **procedures and selection of members.**

843 (1) As used in this section:

844 (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy
845 behavior related to technology use, including digital literacy, ethics, etiquette, and security.

846 (b) "District school" means a public school under the control of a local school board
847 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
848 Boards.

849 (c) "Educator" means the same as that term is defined in Section 53E-6-102.

850 (d) (i) "Parent or guardian member" means a member of a school community council
851 who is a parent or guardian of a student who:

852 (A) is attending the school; or

853 (B) will be enrolled at the school during the parent's or guardian's term of office.

854 (ii) "Parent or guardian member" may not include an educator who is employed at the
855 school.

856 (e) "School community council" means a council established at a district school in
857 accordance with this section.

858 (f) "School employee member" means a member of a school community council who is
859 a person employed at the school by the school or school district, including the principal.

860 (g) "School LAND Trust Program money" means money allocated to a school pursuant
861 to Section 53F-2-404.

862 (2) A district school, in consultation with the district school's local school board, shall

863 establish a school community council at the school building level for the purpose of:

864 (a) involving parents or guardians of students in decision making at the school level;

865 (b) improving the education of students;

866 (c) prudently expending School LAND Trust Program money for the improvement of

867 students' education through collaboration among parents and guardians, school employees, and

868 the local school board; and

869 (d) increasing public awareness of:

870 (i) school trust lands and related land policies;

871 (ii) management of the State School Fund established in Utah Constitution Article X,

872 Section V; and

873 (iii) educational excellence.

874 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:

875 (i) create a school improvement plan in accordance with Section [53G-7-1204](#);

876 (ii) create the School LAND Trust Program in accordance with Section [~~53F-2-404~~]

877 [53G-7-1206](#);

878 (iii) advise and make recommendations to school and school district administrators and

879 the local school board regarding:

880 (A) the school and its programs;

881 (B) school district programs;

882 (C) a child access routing plan in accordance with Section [53G-4-402](#);

883 (D) safe technology utilization and digital citizenship; and

884 (E) other issues relating to the community environment for students;

885 (iv) provide for education and awareness on safe technology utilization and digital

886 citizenship that empowers:

887 (A) a student to make smart media and online choices; and

888 (B) a parent or guardian to know how to discuss safe technology use with the parent's

889 or guardian's child; and

890 (v) partner with the school's principal and other administrators to ensure that adequate

891 on and off campus Internet filtering is installed and consistently configured to prevent viewing

892 of harmful content by students and school personnel, in accordance with local school board

893 policy and Subsection [53G-7-216\(3\)](#).

894 (b) To fulfill the school community council's duties described in Subsections (3)(a)(iv)
895 and (v), a school community council may:

- 896 (i) partner with one or more non-profit organizations; or
- 897 (ii) create a subcommittee.

898 (c) A school or school district administrator may not prohibit or discourage a school
899 community council from discussing issues, or offering advice or recommendations, regarding
900 the school and its programs, school district programs, the curriculum, or the community
901 environment for students.

902 (4) (a) Each school community council shall consist of school employee members and
903 parent or guardian members in accordance with this section.

904 (b) Except as provided in Subsection (4)(c) or (d):

- 905 (i) each school community council for a high school shall have six parent or guardian
906 members and four school employee members, including the principal; and
- 907 (ii) each school community council for a school other than a high school shall have
908 four parent or guardian members and two school employee members, including the principal.

909 (c) A school community council may determine the size of the school community
910 council by a majority vote of a quorum of the school community council provided that:

- 911 (i) the membership includes two or more parent or guardian members than the number
912 of school employee members; and
- 913 (ii) there are at least two school employee members on the school community council.

914 (d) (i) The number of parent or guardian members of a school community council who
915 are not educators employed by the school district shall exceed the number of parent or guardian
916 members who are educators employed by the school district.

917 (ii) If, after an election, the number of parent or guardian members who are not
918 educators employed by the school district does not exceed the number of parent or guardian
919 members who are educators employed by the school district, the parent or guardian members of
920 the school community council shall appoint one or more parent or guardian members to the
921 school community council so that the number of parent or guardian members who are not
922 educators employed by the school district exceeds the number of parent or guardian members
923 who are educators employed by the school district.

924 (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than

925 the principal, shall be elected by secret ballot by a majority vote of the school employees and
926 serve a two-year term. The principal shall serve as an ex officio member with full voting
927 privileges.

928 (b) (i) Except as provided in Subsection (5)(f), a parent or guardian member shall be
929 elected by secret ballot at an election held at the school by a majority vote of those voting at the
930 election and serve a two-year term.

931 (ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent or guardian of a
932 student attending the school may vote in, or run as a candidate in, the election under Subsection
933 (5)(b)(i).

934 (B) If an election is held in the spring, a parent or guardian of a student who will be
935 attending the school the following school year may vote in, and run as a candidate in, the
936 election under Subsection (5)(b)(i).

937 (iii) Any parent or guardian of a student who meets the qualifications of this section
938 may file or declare the parent's or guardian's candidacy for election to a school community
939 council.

940 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the
941 election of parent or guardian members of a school community council shall be established by
942 a local school board for the schools within the school district.

943 (B) An election for the parent or guardian members of a school community council
944 shall be held near the beginning of the school year or held in the spring and completed before
945 the last week of school.

946 (C) Each school shall establish a time period for the election of parent or guardian
947 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at
948 least a four-year period.

949 (c) (i) At least 10 days before the date that voting commences for the elections held
950 under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee,
951 shall provide notice to each school employee, parent, or guardian, of the opportunity to vote in,
952 and run as a candidate in, an election under this Subsection (5).

953 (ii) The notice shall include:

954 (A) the dates and times of the elections;

955 (B) a list of council positions that are up for election; and

956 (C) instructions for becoming a candidate for a community council position.
957 (iii) The principal of the school, or the principal's designee, shall oversee the elections
958 held under Subsections (5)(a) and (5)(b).
959 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a
960 secure ballot box.
961 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made
962 available to the public upon request.
963 (e) (i) If a parent or guardian position on a school community council remains unfilled
964 after an election is held, the other parent or guardian members of the council shall appoint a
965 parent or guardian who meets the qualifications of this section to fill the position.
966 (ii) If a school employee position on a school community council remains unfilled after
967 an election is held, the other school employee members of the council shall appoint a school
968 employee to fill the position.
969 (iii) A member appointed to a school community council under Subsection (5)(e)(i) or
970 (ii) shall serve a two-year term.
971 (f) (i) If the number of candidates who file for a parent or guardian position or school
972 employee position on a school community council is less than or equal to the number of open
973 positions, an election is not required.
974 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian
975 position remains unfilled, the other parent or guardian members of the council shall appoint a
976 parent or guardian who meets the qualifications of this section to fill the position.
977 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee
978 position remains unfilled, the other school employee members of the council shall appoint a
979 school employee who meets the qualifications of this section to fill the position.
980 (g) The principal shall enter the names of the council members on the School LAND
981 Trust website on or before October 20 of each year, pursuant to Section [53G-7-1203](#).
982 (h) Terms shall be staggered so that approximately half of the council members stand
983 for election each year.
984 (i) A school community council member may serve successive terms provided the
985 member continues to meet the definition of a parent or guardian member or school employee
986 member as specified in Subsection (1).

- 987 (j) Each school community council shall elect:
- 988 (i) a chair from its parent or guardian members; and
- 989 (ii) a vice chair from either its parent or guardian members or school employee
- 990 members, excluding the principal.
- 991 (6) (a) A school community council may create subcommittees or task forces to:
- 992 (i) advise or make recommendations to the council; or
- 993 (ii) develop all or part of a plan listed in Subsection (3).
- 994 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
- 995 subject to the approval of the school community council.
- 996 (c) A school community council may appoint individuals who are not council members
- 997 to serve on a subcommittee or task force, including parents or guardians, school employees, or
- 998 other community members.
- 999 (7) (a) A majority of the members of a school community council is a quorum for the
- 1000 transaction of business.
- 1001 (b) The action of a majority of the members of a quorum is the action of the school
- 1002 community council.
- 1003 (8) A local school board shall provide training for a school community council each
- 1004 year, including training:
- 1005 (a) for the chair and vice chair about their responsibilities;
- 1006 (b) on resources available on the School LAND Trust website; and
- 1007 (c) on [~~the following statutes governing school community councils:~~] this part.
- 1008 [~~(i) Section 53G-7-1202;~~]
- 1009 [~~(ii) Section 53G-7-1203;~~]
- 1010 [~~(iii) Section 53G-7-1204; and~~]
- 1011 [~~(iv) Section 53F-2-404.~~]
- 1012 Section 23. Section 53G-7-1203 is amended to read:
- 1013 **53G-7-1203. School community councils -- Open and public meeting**
- 1014 **requirements.**
- 1015 (1) As used in this section:
- 1016 (a) (i) "Charter trust land council" means a council established by a charter school
- 1017 governing board under Section [~~53F-2-404~~] 53G-7-1205.

1018 (ii) "Charter trust land council" does not include a charter school governing board
1019 acting as a charter trust land council.

1020 (b) "School community council" means a council established at a school within a
1021 school district under Section [53G-7-1202](#).

1022 (c) "Council" means a school community council or a charter trust land council.

1023 (2) A school community council or a charter trust land council:

1024 (a) shall conduct deliberations and take action openly as provided in this section; and

1025 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

1026 (3) (a) As required by Section [53G-7-1202](#), a local school board shall provide training
1027 for the members of a school community council on this section.

1028 (b) A charter school governing board shall provide training for the members of a
1029 charter trust land council on this section.

1030 (4) (a) A meeting of a council is open to the public.

1031 (b) A council may not close any portion of a meeting.

1032 (5) A council shall, at least one week prior to a meeting, post the following information
1033 on the school's website:

1034 (a) a notice of the meeting, time, and place;

1035 (b) an agenda for the meeting; and

1036 (c) the minutes of the previous meeting.

1037 (6) (a) On or before October 20, a principal shall post the following information on the
1038 school website and in the school office:

1039 (i) the proposed council meeting schedule for the year;

1040 (ii) a telephone number or email address, or both, where each council member can be
1041 reached directly; and

1042 (iii) a summary of the annual report required under Section [~~53F-2-404~~] [53G-7-1206](#)
1043 on how the school's School LAND Trust Program money was used to enhance or improve
1044 academic excellence at the school and implement a component of the school's improvement
1045 plan.

1046 (b) (i) A council shall identify and use methods of providing the information listed in
1047 Subsection (6)(a) to a parent or guardian who does not have Internet access.

1048 (ii) Money allocated to a school under the School LAND Trust Program [~~created in~~]

1049 under Section 53F-2-404 may not be used to provide information as required by Subsection
1050 (6)(b)(i).

1051 (7) (a) The notice requirement of Subsection (5) may be disregarded if:

1052 (i) because of unforeseen circumstances it is necessary for a council to hold an
1053 emergency meeting to consider matters of an emergency or urgent nature; and

1054 (ii) the council gives the best notice practicable of:

1055 (A) the time and place of the emergency meeting; and

1056 (B) the topics to be considered at the emergency meeting.

1057 (b) An emergency meeting of a council may not be held unless:

1058 (i) an attempt has been made to notify all the members of the council; and

1059 (ii) a majority of the members of the council approve the meeting.

1060 (8) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity
1061 to notify the public as to the topics to be considered at the meeting.

1062 (b) Each topic described in Subsection (8)(a) shall be listed under an agenda item on
1063 the meeting agenda.

1064 (c) A council may not take final action on a topic in a meeting unless the topic is:

1065 (i) listed under an agenda item as required by Subsection (8)(b); and

1066 (ii) included with the advance public notice required by Subsection (5).

1067 (9) (a) Written minutes shall be kept of a council meeting.

1068 (b) Written minutes of a council meeting shall include:

1069 (i) the date, time, and place of the meeting;

1070 (ii) the names of members present and absent;

1071 (iii) a brief statement of the matters proposed, discussed, or decided;

1072 (iv) a record, by individual member, of each vote taken;

1073 (v) the name of each person who:

1074 (A) is not a member of the council; and

1075 (B) after being recognized by the chair, provided testimony or comments to the
1076 council;

1077 (vi) the substance, in brief, of the testimony or comments provided by the public under
1078 Subsection (9)(b)(v); and

1079 (vii) any other information that is a record of the proceedings of the meeting that any

1080 member requests be entered in the minutes.

1081 (c) The written minutes of a council meeting:

1082 (i) are a public record under Title 63G, Chapter 2, Government Records Access and
1083 Management Act; and

1084 (ii) shall be retained for three years.

1085 (10) (a) As used in this Subsection (10), "rules of order and procedure" means a set of
1086 rules that govern and prescribe in a public meeting:

1087 (i) parliamentary order and procedure;

1088 (ii) ethical behavior; and

1089 (iii) civil discourse.

1090 (b) A council shall:

1091 (i) adopt rules of order and procedure to govern a public meeting of the council;

1092 (ii) conduct a public meeting in accordance with the rules of order and procedure
1093 described in Subsection (10)(b)(i); and

1094 (iii) make the rules of order and procedure described in Subsection (10)(b)(i) available
1095 to the public:

1096 (A) at each public meeting of the council; and

1097 (B) on the school's website.

1098 Section 24. Section **53G-7-1205** is enacted to read:

1099 **53G-7-1205. Charter trust land councils.**

1100 (1) To receive School LAND Trust Program funding as described in Sections
1101 53F-2-404 and 53G-7-1206, a charter school governing board shall establish a charter trust
1102 land council, which shall prepare a plan for the use of School LAND Trust Program money that
1103 includes the elements described in Subsection 53G-7-1206(4).

1104 (2) (a) The membership of the council shall include parents or guardians of students
1105 enrolled at the school and may include other members.

1106 (b) The number of council members who are parents or guardians of students enrolled
1107 at the school shall exceed all other members combined by at least two.

1108 (3) A charter school governing board may serve as the charter trust land council that
1109 prepares a plan for the use of School LAND Trust Program money if the membership of the
1110 charter school governing board meets the requirements of Subsection (2)(b).

1111 (4) (a) Except as provided in Subsection (4)(b), council members who are parents or
1112 guardians of students enrolled at the school shall be elected in accordance with procedures
1113 established by the charter school governing board.

1114 (b) Subsection (4)(a) does not apply to a charter school governing board that serves as
1115 the charter trust land council that prepares a plan for the use of School LAND Trust Program
1116 money.

1117 (5) A parent or guardian of a student enrolled at the school shall serve as chair or
1118 co-chair of a charter trust land council that prepares a plan for the use of School LAND Trust
1119 Program money.

1120 Section 25. Section **53G-7-1206** is enacted to read:

1121 **53G-7-1206. School LAND Trust Program.**

1122 (1) As used in this section:

1123 (a) "Charter agreement" means an agreement made in accordance with Section
1124 53G-5-303 that authorizes the operation of a charter school.

1125 (b) "Charter school authorizer" means the same as that term is defined in Section
1126 53G-5-102.

1127 (c) "Charter trust land council" means a council established by a charter school
1128 governing board under Section 53G-7-1205.

1129 (d) "Council" means a school community council or a charter trust land council.

1130 (e) "District school" means a public school under the control of a local school board
1131 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
1132 Boards.

1133 (f) "School community council" means a council established at a district school in
1134 accordance with Section 53G-7-1202.

1135 (2) There is established the School LAND (Learning And Nurturing Development)
1136 Trust Program to:

1137 (a) provide financial resources to public schools to enhance or improve student
1138 academic achievement and implement a component of a district school's school improvement
1139 plan or a charter school's charter agreement; and

1140 (b) involve parents and guardians of a school's students in decision making regarding
1141 the expenditure of School LAND Trust Program money allocated to the school.

- 1142 (3) To receive an allocation under Section 53F-2-404:
1143 (a) a district school shall have established a school community council in accordance
1144 with Section 53G-7-1202;
1145 (b) a charter school shall have established a charter trust land council in accordance
1146 with Section 53G-7-1205; and
1147 (c) the school's principal shall provide a signed, written assurance that the school is in
1148 compliance with Subsection (3)(a) or (b).
1149 (4) (a) A council shall create a program to use the school's allocation distributed under
1150 Section 53F-2-404 to implement a component of the school's improvement plan or charter
1151 agreement, including:
1152 (i) the school's identified most critical academic needs;
1153 (ii) a recommended course of action to meet the identified academic needs;
1154 (iii) a specific listing of any programs, practices, materials, or equipment that the
1155 school will need to implement a component of its school improvement plan to have a direct
1156 impact on the instruction of students and result in measurable increased student performance;
1157 and
1158 (iv) how the school intends to spend its allocation of funds under this section to
1159 enhance or improve academic excellence at the school.
1160 (b) (i) A council shall create and vote to adopt a plan for the use of School LAND
1161 Trust Program money in a meeting of the council at which a quorum is present.
1162 (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust
1163 Program money, the plan is adopted.
1164 (c) A council shall:
1165 (i) post a plan for the use of School LAND Trust Program money that is adopted in
1166 accordance with Subsection (4)(b) on the School LAND Trust Program website; and
1167 (ii) include with the plan a report noting the number of council members who voted for
1168 or against the approval of the plan and the number of council members who were absent for the
1169 vote.
1170 (d) (i) The local school board of a district school shall approve or disapprove a plan for
1171 the use of School LAND Trust Program money.
1172 (ii) If a local school board disapproves a plan for the use of School LAND Trust

1173 Program money:

1174 (A) the local school board shall provide a written explanation of why the plan was
1175 disapproved and request the school community council who submitted the plan to revise the
1176 plan; and

1177 (B) the school community council shall submit a revised plan in response to a local
1178 school board's request under Subsection (4)(d)(ii)(A).

1179 (iii) Once a plan has been approved by a local school board, a school community
1180 council may amend the plan, subject to a majority vote of the school community council and
1181 local school board approval.

1182 (e) A charter trust land council's plan for the use of School LAND Trust Program
1183 money is subject to approval by the:

1184 (i) charter school governing board; and

1185 (ii) charter school's charter school authorizer.

1186 (5) (a) A district school or charter school shall:

1187 (i) implement the program as approved;

1188 (ii) provide ongoing support for the council's program; and

1189 (iii) meet State Board of Education reporting requirements regarding financial and
1190 performance accountability of the program.

1191 (b) (i) A district school or charter school shall prepare and post an annual report of the
1192 program on the School LAND Trust Program website each fall.

1193 (ii) The report shall detail the use of program funds received by the school under this
1194 section and an assessment of the results obtained from the use of the funds.

1195 (iii) A summary of the report shall be provided to parents or guardians of students
1196 attending the school.

1197 (6) On or before October 1 of each year, a school district shall record the amount of the
1198 program funds distributed to each school under Section [53F-2-404](#) on the School LAND Trust
1199 Program website to assist schools in developing the annual report described in Subsection
1200 (5)(b).

1201 (7) The president or chair of a local school board or charter school governing board
1202 shall ensure that the members of the local school board or charter school governing board are
1203 provided with annual training on the requirements of this section.

1204 (8) (a) The School LAND Trust Program shall provide training to the entities described
1205 in Subsection (8)(b) on:

1206 (i) the School LAND Trust Program; and

1207 (ii) (A) a school community council; or

1208 (B) a charter trust land council.

1209 (b) The School LAND Trust Program shall provide the training to:

1210 (i) a local school board or a charter school governing board;

1211 (ii) a school district or a charter school; and

1212 (iii) a school community council.

1213 (9) The School LAND Trust Program shall annually review each school's compliance
1214 with applicable law, including rules adopted by the State Board of Education, by:

1215 (a) reading each School LAND Trust Program plan submitted; and

1216 (b) reviewing expenditures made from School LAND Trust Program money.

1217 (5) (a) The board shall appoint a School LAND Trust Program director, who serves at
1218 the pleasure of the board, to:

1219 (i) administer the School LAND Trust Program; and

1220 (ii) serve as a member of the Land Trusts Protection and Advocacy Committee created
1221 under Section [53D-2-202](#).

1222 (b) The School LAND Trust Program director may coordinate with the Land Trusts
1223 Protection and Advocacy Office director, appointed under Section [53D-2-203](#), to attend
1224 meetings or events within the School and Institutional Trust System, as defined in Section
1225 [53D-2-102](#), that relate to the School LAND Trust Program.

1226 Section 26. Section **67-4-1** is amended to read:

1227 **67-4-1. Duties.**

1228 (1) The state treasurer shall:

1229 (a) receive and maintain custody of all state funds;

1230 (b) unless otherwise provided by law, invest all funds delivered into the state treasurer's
1231 custody according to the procedures and requirements of Title 51, Chapter 7, State Money
1232 Management Act;

1233 (c) pay warrants drawn by the Division of Finance as they are presented;

1234 (d) return each redeemed warrant to the Division of Finance for purposes of

1235 reconciliation, post-audit, and verification;

1236 (e) ensure that state warrants not presented to the state treasurer for payment within one
1237 year from the date of issue, or a shorter period if required by federal regulation or contract, are
1238 canceled and credited to the proper fund;

1239 (f) account for all money received and disbursed;

1240 (g) keep separate account of the different funds;

1241 (h) keep safe all bonds, warrants, and securities delivered into his custody;

1242 (i) at the request of either house of the Legislature, or of any legislative committee,
1243 give information in writing as to the condition of the treasury, or upon any subject relating to
1244 the duties of his office;

1245 (j) keep the books open at all times for the inspection by the governor, the state auditor,
1246 or any member of the Legislature, or any committee appointed to examine them by either house
1247 of the Legislature;

1248 (k) authenticate and validate documents when necessary;

1249 (l) adopt a seal and file a description and an impression of it with the Division of
1250 Archives; ~~and~~

1251 (m) discharge the duties of a member of all official boards of which he is or may be
1252 made a member by the Constitution or laws of Utah[-]; and

1253 (n) oversee and support the advocacy of the Land Trusts Protection and Advocacy
1254 Office, created in Title 53D, Chapter 2, Land Trusts Protection and Advocacy Office.

1255 (2) When necessary to perform his duties, the state treasurer may inspect the books,
1256 papers, and accounts of any state entity.

1257 (3) The state treasurer may take temporary custody of public funds if ordered by a court
1258 to do so under Subsection [67-3-1\(11\)](#).

1259 **Section 27. Repealer.**

1260 This bill repeals:

1261 Section [53E-3-514](#), **Creation of School Children's Trust Section -- Duties.**

1262 **Section 28. Effective date.**

1263 This bill takes effect on July 1, 2018.

1264 **Section 29. Coordinating H.B. 404 with H.B. 230 -- Technical amendment.**

1265 If this H.B. 404 and H.B. 230, Related to Basic School Programs Review, both pass and

1266 become law, it is the intent of the Legislature that on July 1, 2018, the Office of Legislative
1267 Research and General Counsel, in preparing the Utah Code database for publication, modify
1268 the reference in Subsection [53F-2-414](#)(3)(l) from "Section [53F-2-404](#)" to "Sections [53F-2-404](#)
1269 and [53G-7-1206](#)".

1270 **Section 30. Coordinating H.B. 404 with S.B. 12 -- Technical amendment.**

1271 If this H.B. 404 and S.B. 12, Public Education Recodification -- Cross References and
1272 Repeals, both pass and become law, it is the intent of the Legislature that on July 1, 2018, the
1273 amendments to Section [53D-1-403](#) in this bill supersede the amendments to Section [53D-1-403](#)
1274 in S.B. 12 when the Office of Legislative Research and General Counsel prepares the Utah
1275 Code database for publication.

1276 **Section 31. Coordinating H.B. 404 with S.B. 179 -- Technical amendment.**

1277 If this H.B. 404 and S.B. 179, Education Code Modifications, both pass and become
1278 law, it is the intent of the Legislature that on July 1, 2018, the amendments to Section
1279 [53G-7-1202](#) in this bill supersede the amendments to Section [53G-7-1202](#) in S.B. 179 when the
1280 Office of Legislative Research and General Counsel prepares the Utah Code database for
1281 publication.