

Land Trusts Protection and Advocacy Office Amendments

Sponsors: Sen. Derrin Owens & Rep. Jefferson Burton

- ▶ SB43 is based on outcomes from a study group established by the legislature to address audit findings and recommendations for the Land Trusts Protection and Advocacy Office.
- ▶ SB43 clarifies the authority, purpose, and responsibilities of the Advocacy Office and creates accountability requirements for trust distributions to institutional beneficiaries in UT Code § 53D-2.

A COMPREHENSIVE STATUTORY REMEDY TO THE OLAG 2024 TRUST SYSTEM AUDIT

Audit Recommendations to the Legislature:

1.1 Consider creating guidelines on trust distribution use for institutional beneficiaries.

Resolved on lines 843-850

1.2 Consider requiring beneficiary spending plans & publicly noticed year end summaries.

Resolved on lines 851-855

2.1 Consider clarifying the Advocacy Office responsibilities and role.

Resolved on lines 498-501, 549-577

2.2 Consider adding institutional beneficiary distribution review to Advocacy Office.

Resolved on lines 783-784, 861-863

*Other audit recommendations have been addressed administratively.

KEY ELEMENTS OF THE BILL

Re-titles and clarifies the authority and purpose of the Advocacy Office as an agent to represent, advise, safeguard, and advocate for current and future trust beneficiaries.

Centrally lists the trust beneficiaries, assigns authorized liaisons, and articulates their rights and interests.

Creates more accountability for distributions to institutional beneficiaries by requiring spending plans, accounting standards, and reporting.

Establishes shared governance and oversight of the Advocacy Office between the State Treasurer and a seven-member advisory council responsible for strategic planning and rulemaking.

Refines the director's role and responsibilities:

- Clarifies qualifications, at-will nature of the position, and removal process.
- Revised duties include: distribution monitoring, dispute resolution, notification, protocols and training development, and accountability.

Strengthens the Trust by clarifying interactions in the system with intentional checks and balances. Improves the process and composition for the nominating committees of the trustee boards.



**NO FISCAL NOTE.
NO FTE INCREASE.
NO TAXPAYER COST.**

BILL SUPPORT

Unanimous support of the Legislative Study Group:

- Sen. Derrin R. Owens, Senate Co-Chair
- Rep. Jefferson S. Burton, House Co-Chair
- Warren Petersen, Past SITLA Board Chair
- Marlo Oaks, State Treasurer & SITFO Board Chair
- Richard Ellis, Advocacy Committee Chair
- Joseph Jenkins, USU Director of Real Property
- Dr. Cade Douglas, Sevier District Superintendent
- Rich K. Nye, Governor's Senior Education Advisor
- Tom Bachtell, Trust Law Attorney

Full engagement of the Trust Beneficiary Institutions.

Adopted as a Committee Bill by the Natural Resources, Agriculture, and Environment Interim Committee, November 2025.

Endorsed by members of the Advocacy Committee, the Utah School Boards & Superintendents Associations, the Utah PTA, and other trust advocacy stakeholders.