

**51-7b-202 Prudent investor standard -- Determining whether standard met.**

- (1) The state treasurer shall invest and manage the permanent state trust fund assets as a prudent investor would, by:
  - (a) considering the purposes, terms, distribution requirements, and other circumstances of the permanent state trust fund; and
  - (b) exercising reasonable care, skill, and caution in order to meet the standard of care of a prudent investor.
- (2) In determining whether the state treasurer has met the standard of care of a prudent investor, a finder of fact shall:
  - (a) consider the state treasurer's investment decision or action in light of the facts and circumstances existing at the time of the decision or action, and not by hindsight; and
  - (b) evaluate the state treasurer's investment and management decisions respecting individual assets:
    - (i) not in isolation, but in the context of the permanent state trust fund portfolio as a whole; and
    - (ii) as a part of an overall investment strategy that has risk and return objectives reasonably suited to the permanent state trust fund.

Enacted by Chapter 211, 2013 General Session