

**Effective 5/10/2016**

**Contingently Superseded 7/1/2017**

**53A-16-101.6 Creation of School Children's Trust Section -- Duties.**

- (1) As used in this section:
  - (a) "School and institutional trust lands" is as defined in Section 53C-1-103.
  - (b) "Section" means the School Children's Trust Section created in this section.
  - (c) "Trust" means:
    - (i) the School LAND Trust Program created in Section 53A-16-101.5; and
    - (ii) the lands and funds associated with the trusts described in Subsection 53C-1-103(7).
- (2) There is established a School Children's Trust Section under the State Board of Education.
- (3)
  - (a) The section shall have a director.
  - (b) The director shall have professional qualifications and expertise in the areas generating revenue to the trust, including:
    - (i) economics;
    - (ii) energy development;
    - (iii) finance;
    - (iv) investments;
    - (v) public education;
    - (vi) real estate;
    - (vii) renewable resources;
    - (viii) risk management; and
    - (ix) trust law.
  - (c) The director shall be appointed as provided in this Subsection (3).
  - (d) The School and Institutional Trust Lands Board of Trustees nominating committee shall submit to the State Board of Education the name of one person to serve as director.
  - (e) The State Board of Education may:
    - (i) appoint the person described in Subsection (3)(d) to serve as director; or
    - (ii) deny the appointment of the person described in Subsection (3)(d) to serve as director.
  - (f) If the State Board of Education denies an appointment under this Subsection (3):
    - (i) the State Board of Education shall provide in writing one or more reasons for the denial to the School and Institutional Trust Lands Board of Trustees nominating committee; and
    - (ii) the School and Institutional Trust Lands Board of Trustees nominating committee and the State Board of Education shall follow the procedures and requirements of this Subsection (3) until the State Board of Education appoints a director.
  - (g) The State Board of Education may remove the director only by majority vote of a quorum in an open and public meeting after proper notice and the inclusion of the removal item on the agenda.
- (4) The State Board of Education shall make rules regarding:
  - (a) regular reporting from the School Children's Trust Section director to the State Board of Education, to allow the State Board of Education to fulfill its duties in representing the trust beneficiaries; and
  - (b) the day-to-day reporting of the School Children's Trust Section director.
- (5)
  - (a) The director shall annually submit a proposed section budget to the State Board of Education.
  - (b) After approving a section budget, the State Board of Education shall propose the approved budget to the Legislature.

- (6) The director is entitled to attend any presentation, discussion, meeting, or other gathering concerning the trust, subject to:
  - (a) provisions of law prohibiting the director's attendance to preserve confidentiality; or
  - (b) other provisions of law that the director's attendance would violate.
- (7) The section shall have a staff.
- (8) The section shall protect current and future beneficiary rights and interests in the trust consistent with the state's perpetual obligations under:
  - (a) the Utah Enabling Act;
  - (b) the Utah Constitution;
  - (c) state statute; and
  - (d) standard trust principles described in Section 53C-1-102.
- (9) The section shall promote:
  - (a) productive use of school and institutional trust lands; and
  - (b) the efficient and prudent investment of funds managed by the School and Institutional Trust Fund Office, created in Section 53D-1-201.
- (10) The section shall provide representation, advocacy, and input:
  - (a) on behalf of current and future beneficiaries of the trust, school community councils, schools, and school districts;
  - (b) on federal, state, and local land decisions and policies that affect the trust; and
  - (c) to:
    - (i) the School and Institutional Trust Lands Administration;
    - (ii) the School and Institutional Trust Lands Board of Trustees;
    - (iii) the Legislature;
    - (iv) the School and Institutional Trust Fund Office, created in Section 53D-1-201;
    - (v) the School and Institutional Trust Fund Board of Trustees, created in Section 53D-1-301;
    - (vi) the attorney general;
    - (vii) the public; and
    - (viii) other entities as determined by the section.
- (11) The section shall provide independent oversight on the prudent and profitable management of the trust and report annually to the State Board of Education and the Legislature.
- (12) The section shall provide information requested by a person or entity described in Subsections (10)(c)(i) through (vii).
- (13)
  - (a) The section shall provide training to the entities described in Subsection (13)(b) on:
    - (i) the School LAND Trust Program established in Section 53A-16-101.5; and
    - (ii)
      - (A) a school community council established pursuant to Section 53A-1a-108; or
      - (B) a charter trust land council established under Section 53A-16-101.5.
  - (b) The section shall provide the training to:
    - (i) a local school board or a charter school governing board;
    - (ii) a school district or a charter school; and
    - (iii) a school community council.

Amended by Chapter 144, 2016 General Session