

Part 1 General Provisions

53C-1-101 Title.

This title is known as the "School and Institutional Trust Lands Management Act."

Repealed and Re-enacted by Chapter 294, 1994 General Session

53C-1-102 Purpose.

- (1)
 - (a) The purpose of this title is to establish an administration and board to manage lands that Congress granted to the state for the support of common schools and other beneficiary institutions, under the Utah Enabling Act.
 - (b) This grant was expressly accepted in the Utah Constitution, thereby creating a compact between the federal and state governments which imposes upon the state a perpetual trust obligation to which standard trust principles are applied.
 - (c) Title to these trust lands is vested in the state as trustee to be administered for the financial support of the trust beneficiaries.
- (2)
 - (a) The trust principles referred to in Subsection (1) impose fiduciary duties upon the state, including a duty of undivided loyalty to, and a strict requirement to administer the trust corpus for the exclusive benefit of, the trust beneficiaries.
 - (b) As trustee, the state must manage the lands and revenues generated from the lands in the most prudent and profitable manner possible, and not for any purpose inconsistent with the best interests of the trust beneficiaries.
 - (c) The trustee must be concerned with both income for the current beneficiaries and the preservation of trust assets for future beneficiaries, which requires a balancing of short and long-term interests so that long-term benefits are not lost in an effort to maximize short-term gains.
 - (d) The beneficiaries do not include other governmental institutions or agencies, the public at large, or the general welfare of this state.
- (3) This title shall be liberally construed to enable the board of trustees, the director, and the administration to faithfully fulfill the state's obligations to the trust beneficiaries.

Repealed and Re-enacted by Chapter 294, 1994 General Session

53C-1-103 Definitions.

As used in this title:

- (1) "Administration" means the School and Institutional Trust Lands Administration.
- (2) "Board" or "board of trustees" means the School and Institutional Trust Lands Board of Trustees.
- (3) "Director" or "director of school and institutional trust lands" means the chief executive officer of the School and Institutional Trust Lands Administration.
- (4) "Mineral" includes oil, gas, and hydrocarbons.
- (5) "Nominating committee" means the committee that nominates candidates for positions and vacancies on the board.

- (6) "Policies" means statements applying to the administration that broadly prescribe a future course of action and guiding principles.
- (7) "Primary beneficiary representative" means the State Board of Education acting as representative on behalf of the following trusts:
 - (a) the trust established for common schools;
 - (b) the trust established for schools for the blind; and
 - (c) the trust established for schools for the deaf.
- (8) "School and institutional trust lands" or "trust lands" means those properties granted by the United States in the Utah Enabling Act to the state in trust, and other lands transferred to the trust, which must be managed for the benefit of:
 - (a) the state's public education system; or
 - (b) the institutions of the state which are designated by the Utah Enabling Act as beneficiaries of trust lands.

Amended by Chapter 224, 2012 General Session