

53C-1-204 Policies established by board -- Director.

- (1)
 - (a) The board shall establish policies for the management of the School and Institutional Trust Lands Administration.
 - (b) The policies shall:
 - (i) be consistent with the Utah Enabling Act, the Utah Constitution, and state law;
 - (ii) reflect undivided loyalty to the beneficiaries consistent with fiduciary duties;
 - (iii) require the return of not less than fair market value for the use, sale, or exchange of school and institutional trust assets;
 - (iv) seek to optimize trust land revenues and increase the value of trust land holdings consistent with the balancing of short and long-term interests, so that long-term benefits are not lost in an effort to maximize short-term gains;
 - (v) maintain the integrity of the trust and prevent the misapplication of its lands and its revenues; and
 - (vi) have regard for and seek General Fund appropriation compensation for the general public's use of natural and cultural resources consistent with the duties of the administration as trustee for the beneficiaries.
- (2) The board shall ensure that the administration is managed according to law.
- (3) The board shall establish due process procedures governing adjudicative proceedings conducted by the board and the administration.
- (4) The board and the director shall recommend to the governor and the Legislature any necessary or desirable changes in statutes relating to the trust or their trust responsibilities.
- (5) The board shall develop policies for the long-term benefit of the trust utilizing the broad discretion and power granted to it in this title.
- (6)
 - (a)
 - (i) On at least three occasions during each calendar year and in cooperation with the director, the board shall consult with an advisory committee consisting of five county commissioners appointed by the Utah Association of Counties concerning the impact of trust land management practices on rural economies.
 - (ii) The director shall notify the chair of the committee prior to any proposed board actions. At the request of the committee and prior to taking the proposed action, the board shall meet with the committee at the next scheduled board meeting.
 - (b) The association shall appoint the commissioners from five different counties based on such factors as a county's total acreage of trust lands, the revenues generated from trust lands in the county, and the potential for economic development of trust lands within the county.
 - (c) The advisory committee may request additional consultations it considers necessary or appropriate, to be scheduled within a reasonable time after receipt of the request by the administration.
- (7) The board shall utilize the services of the attorney general as provided in Section 53C-1-305.
- (8) The board may:
 - (a)
 - (i) establish advisory committees to advise the board, director, or administration on policies affecting the management of the trust, and pay the compensation and travel expenses in accordance with rules adopted by the Division of Finance; and
 - (ii) after conferring with the director, hire consultants to advise the board, director, or administration on issues affecting the management of the trust, and pay compensation to the consultants from money appropriated for that purpose;

- (b) with the consent of the state risk manager, authorize the director to manage lands or interests in lands held by any other public or private party, if:
 - (i) all management costs are compensated by the parties;
 - (ii) there is a commensurate return to the beneficiaries; and
 - (iii) the additional responsibilities do not detract from the administration's responsibilities and its duty of undivided loyalty to the beneficiaries;
 - (c) issue subpoenas or authorize a hearing officer to issue subpoenas, to compel the attendance of witnesses and the production of documents in adjudicative proceedings authorized by law and administer oaths in the performance of official duties; and
 - (d) submit in writing to the director a request for responses, to be made within a reasonable time, to questions concerning policies and practices affecting the management of the trust.
- (9) Board members shall be given access to all administration records and personnel consistent with law and as necessary to permit the board to accomplish its responsibilities to ensure that the administration is in full compliance with applicable policies and law.

Amended by Chapter 247, 2011 General Session