

183 Section 3. Section **53C-1-103** is amended to read:

184 **53C-1-103. Definitions.**

185 As used in this title:

186 (1) "Administration" means the School and Institutional Trust Lands Administration.

187 (2) "Board" or "board of trustees" means the School and Institutional Trust Lands
188 Board of Trustees.

189 (3) "Director" or "director of school and institutional trust lands" means the chief
190 executive officer of the School and Institutional Trust Lands Administration.

191 (4) "Mineral" includes oil, gas, and hydrocarbons.

192 (5) "Nominating committee" means the committee that nominates candidates for
193 positions and vacancies on the board.

194 (6) "Policies" means statements applying to the administration that broadly prescribe a
195 future course of action and guiding principles.

196 (7) "Primary beneficiary representative" means the State Board of Education acting as
197 representative on behalf of the following trusts:

198 (a) the trust established for common schools;

199 (b) the trust established for ~~H~~→ [persons who are] schools for the ←~~H~~ blind; and

200 (c) the trust established for ~~H~~→ [persons who are] schools for the ←~~H~~ deaf.

201 [(7)] (8) "School and institutional trust lands" or "trust lands" means those properties
202 granted by the United States in the Utah Enabling Act to the state in trust, and other lands
203 transferred to the trust, which must be managed for the benefit of:

204 (a) the state's public education system; or

205 (b) the institutions of the state which are designated by the Utah Enabling Act as
206 beneficiaries of trust lands.

207 Section 4. Section **53C-1-203** is amended to read:

208 **53C-1-203. Board of trustees nominating committee -- Composition --**

209 **Responsibilities -- Per diem and expenses.**

210 (1) There is established an 11 member board of trustees nominating committee.

211 (2) (a) The State Board of Education shall appoint five members to the nominating
212 committee from different geographical areas of the state.

213 (b) The governor shall appoint five members to the nominating committee on or before

276 Subsection 53C-1-103(7) on major items that the director knows ~~H→~~ [or ought to know] ~~←H~~
 276a may be

277 useful to the primary beneficiary representative's designee in protecting beneficiary rights;

278 (j) permit the primary beneficiary representative's designee regarding a trust listed in

279 Subsection 53C-1-103(7) reasonable access to inspect records, documents, and other trust

280 property pertaining to that trust, provided that the primary beneficiary representative's designee

281 shall maintain confidentiality if confidentiality is required of the director;

282 ~~[(i)]~~ (k) maintain appropriate records of trust activities to enable auditors appointed by

283 appropriate state agencies or the board to conduct periodic audits of trust activities;

284 ~~[(j)]~~ (l) provide that all leases, contracts, and agreements be submitted to legal counsel

285 for review of compliance with applicable law and fiduciary duties prior to execution and utilize

286 the services of the attorney general as provided in Section 53C-1-305;

287 ~~[(k)]~~ (m) keep the board, beneficiaries, governor, Legislature, and the public informed

288 about the work of the director and administration by reporting to the board in a public meeting

289 at least once during each calendar quarter; and

290 ~~[(l)]~~ (n) respond in writing within a reasonable time to a request by the board or the

291 primary beneficiary representative's designee regarding a trust listed in Subsection

292 53C-1-103(7) for responses to questions on policies and practices affecting the management of

293 the trust.

294 (2) The administration shall be the named party in substitution of the Division of State

295 Lands and Forestry or its predecessor agencies, with respect to all documents affecting trust

296 lands from the effective date of this act.

297 (3) The director may:

298 (a) with the consent of the state risk manager and the board, manage lands or interests

299 in lands held by any other public or private party pursuant to policies established by the board

300 and may make rules to implement these board policies;

301 (b) sue or be sued as the director of school and institutional trust lands;

302 (c) contract with other public agencies for personnel management services;

303 (d) contract with any public or private entity to make improvements to or upon trust

304 lands and to carry out any of the responsibilities of the office, so long as the contract requires

305 strict adherence to trust management principles, applicable law and regulation, and is subject to

306 immediate suspension or termination for cause; and