

1 **LAND TRUSTS PROTECTION AND ADVOCACY ACT**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bradley G. Last**

5 Senate Sponsor: David P. Hinkins

7 **LONG TITLE**

8 **General Description:**

9 This bill creates the Land Trusts Protection and Advocacy Office and amends
10 provisions related to school and institutional trust lands.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ creates the Land Trusts Protection and Advocacy Office (advocacy office), with
15 oversight by the state treasurer, to protect the interests of the current and future
16 school and institutional trust lands beneficiaries;
- 17 ▶ creates the Land Trusts Protection and Advocacy Committee to appoint an advocacy
18 office director and oversee the activities of the advocacy office;
- 19 ▶ provides for the appointment of an advocacy office director to carry out the duties of
20 the advocacy office;
- 21 ▶ creates the Land Trusts Protection and Advocacy Account;
- 22 ▶ amends provisions related to school and institutional trust lands, including replacing
23 certain State Board of Education duties with advocacy office duties;
- 24 ▶ amends provisions related to the School LAND Trust Program; and
- 25 ▶ makes technical and conforming corrections.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 This bill provides coordination clauses.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53C-1-103**, as last amended by Laws of Utah 2012, Chapter 224

34 **53C-1-203**, as last amended by Laws of Utah 2014, Chapter 426

35 **53D-1-101**, as enacted by Laws of Utah 2014, Chapter 426

36 **53D-1-102**, as last amended by Laws of Utah 2016, Chapter 144

37 **53D-1-202**, as enacted by Laws of Utah 2014, Chapter 426

38 **53D-1-304**, as last amended by Laws of Utah 2017, Chapter 179

39 **53D-1-401**, as last amended by Laws of Utah 2017, Chapter 179

40 **53D-1-402**, as last amended by Laws of Utah 2015, Chapter 258

41 **53D-1-403**, as last amended by Laws of Utah 2017, Chapter 179

42 **53D-1-501**, as last amended by Laws of Utah 2017, Chapter 179

43 **53D-1-502**, as enacted by Laws of Utah 2014, Chapter 426

44 **53F-2-203**, as renumbered and amended by Laws of Utah 2018, Chapter 2

45 **53F-2-404**, as renumbered and amended by Laws of Utah 2018, Chapter 2

46 **53F-9-201**, as renumbered and amended by Laws of Utah 2018, Chapter 2

47 **53G-5-410**, as renumbered and amended by Laws of Utah 2018, Chapter 3

48 **53G-7-1202**, as renumbered and amended by Laws of Utah 2018, Chapter 3

49 **53G-7-1203**, as renumbered and amended by Laws of Utah 2018, Chapter 3

50 **67-4-1**, as last amended by Laws of Utah 2017, Chapter 11

51 ENACTS:

52 **53D-2-101**, Utah Code Annotated 1953

53 **53D-2-102**, Utah Code Annotated 1953

54 **53D-2-201**, Utah Code Annotated 1953

55 **53D-2-202**, Utah Code Annotated 1953

56 **53D-2-203**, Utah Code Annotated 1953

57 **53D-2-204**, Utah Code Annotated 1953

58 **53G-7-1205**, Utah Code Annotated 1953

59 **53G-7-1206**, Utah Code Annotated 1953

60 REPEALS:

61 **53E-3-514**, as renumbered and amended by Laws of Utah 2018, Chapter 1

62 **Utah Code Sections Affected by Coordination Clause:**

63 **53D-1-403**, as last amended by Laws of Utah 2017, Chapter 179

64 **53F-2-414**, Utah Code Annotated 1953

65 **53G-7-1202**, as renumbered and amended by Laws of Utah 2018, Chapter 3



67 *Be it enacted by the Legislature of the state of Utah:*

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

69 **53C-1-103. Definitions.**

70 As used in this title:

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

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

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

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

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

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

81 (7) "Primary beneficiary representative" means the [~~State Board of Education~~] the Land
82 Trusts Protection and Advocacy Office, created in Section 53D-2-201, acting as representative
83 on behalf of the following trusts:

84 (a) the trust established for common schools;

85 (b) the trust established for schools for the blind; and

86 (c) the trust established for schools for the deaf.

87 (8) "School and institutional trust lands" or "trust lands" means those properties
88 granted by the United States in the Utah Enabling Act to the state in trust, and other lands
89 transferred to the trust, which must be managed for the benefit of:

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

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

93 Section 2. Section 53C-1-203 is amended to read:

94 **53C-1-203. Board of trustees nominating committee -- Composition --**
95 **Responsibilities -- Per diem and expenses.**

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

97 (2) (a) ~~[The]~~ (i) Through July 30, 2018, the State Board of Education shall appoint five
98 members to the nominating committee from different geographical areas of the state.

99 (ii) Beginning on August 1, 2018, the five members of the Land Trusts Protection and
100 Advocacy Committee, created in Section 53D-2-202, shall serve on the nominating committee.

101 (b) The governor shall appoint five members to the nominating committee on or before
102 the December 1 of the year preceding the vacancy on the nominating committee as follows:

103 (i) (A) through July 30, 2018, one individual from a nomination list of at least two
104 names of individuals knowledgeable about institutional trust lands submitted on or before the
105 October 1 of the year preceding the vacancy on the nominating committee by the University of
106 Utah and Utah State University on an alternating basis every four years; and

107 (B) beginning on August 1, 2018, one individual who is knowledgeable about real
108 estate development;

109 (ii) one individual from a nomination list of at least two names submitted by the Utah
110 Farm Bureau in consultation with the Utah Cattleman's Association and the Utah Wool
111 Growers' Association on or before the October 1 of the year preceding the vacancy on the
112 nominating committee;

113 (iii) one individual from a nomination list of at least two names submitted by the Utah

114 Petroleum Association on or before the October 1 of the year preceding the vacancy on the
115 nominating committee;

116 (iv) one individual from a nomination list of at least two names submitted by the Utah
117 Mining Association on or before the October 1 of the year preceding the vacancy on the
118 nominating committee; and

119 (v) one individual from a nomination list of at least two names submitted by the
120 executive director of the Department of Natural Resources after consultation with statewide
121 wildlife and conservation organizations on or before the October 1 of the year preceding the
122 vacancy on the nominating committee.

123 (c) The president of the Utah Association of Counties shall designate the chair of the
124 Public Lands Steering Committee, who must be an elected county commissioner or councilor,
125 to serve as the eleventh member of the nominating committee.

126 (3) (a) Except as required by ~~[Subsection]~~ Subsections (3)(b) and (d), each member
127 shall serve a four-year term.

128 (b) ~~[Notwithstanding the requirements of Subsection (3)(a), the state board and the]~~
129 The governor shall, at the time of appointment or reappointment, adjust the length of terms to
130 ensure that the terms of committee members are staggered so that approximately half of the
131 committee is appointed every two years.

132 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
133 appointed for the unexpired term.

134 (d) The term of a member of the nominating committee who is appointed under
135 Subsection (2)(a)(i) or (2)(b)(i)(A) shall end on July 30, 2018.

136 (4) The nominating committee shall select a chair and vice chair from its membership
137 by majority vote.

138 (5) (a) The nominating committee shall nominate at least two candidates for each
139 position or vacancy which occurs on the board of trustees except for the governor's appointee
140 under Subsection [53C-1-202\(5\)](#).

141 (b) The nominations shall be by majority vote of the committee.

142 (6) A member may not receive compensation or benefits for the member's service, but
143 may receive per diem and travel expenses in accordance with:

144 (a) Section 63A-3-106;

145 (b) Section 63A-3-107; and

146 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
147 63A-3-107.

148 (7) The [~~School Children's Trust Section, established in Section 53A-16-101.6~~] Land
149 Trusts Protection and Advocacy Office, created in Section 53D-2-201, shall provide staff
150 support to the nominating committee.

151 Section 3. Section 53D-1-101 is amended to read:

152 **TITLE 53D. SCHOOL AND INSTITUTIONAL TRUST FUND MANAGEMENT AND**
153 **LAND TRUSTS PROTECTION AND ADVOCACY OFFICE**

154 **53D-1-101. Title.**

155 (1) This title is known as [~~"School and Institutional Trust Fund."~~] "School and
156 Institutional Trust Fund Management and Land Trusts Protection and Advocacy Office."

157 (2) This chapter is known as the "School and Institutional Trust Fund Management
158 Act."

159 Section 4. Section 53D-1-102 is amended to read:

160 **53D-1-102. Definitions.**

161 As used in this chapter:

162 (1) "Account" means the School and Institutional Trust Fund Management Account,
163 created in Section 53D-1-203.

164 (2) "Advocacy office director" means the director of the Land Trusts Protection and
165 Advocacy Office, appointed under Section 53D-2-203.

166 [~~(2)~~] (3) "Beneficiaries":

167 (a) means those for whose benefit the trust fund is managed and preserved, consistent
168 with the enabling act, the Utah Constitution, and state law; and

169 (b) does not include other government institutions or agencies, the public at large, or

170 the general welfare of the state.

171 ~~[(3)]~~ (4) "Board" means the board of trustees established in Section 53D-1-301.

172 ~~[(4)]~~ (5) "Director" means the director of the office.

173 ~~[(5)]~~ (6) "Enabling act" means the act of Congress, dated July 16, 1894, enabling the
174 people of Utah to form a constitution and state government and to be admitted into the Union.

175 ~~[(6)]~~ (7) "Nominating committee" means the committee established under Section
176 53D-1-501.

177 ~~[(7)]~~ (8) "Office" means the School and Institutional Trust Fund Office, created in
178 Section 53D-1-201.

179 ~~[(8)] "School children's trust section" means the School Children's Trust Section under~~
180 ~~the State Board of Education, established in Section 53A-16-101.6.]~~

181 (9) "Land Trusts Protection and Advocacy Office" or "advocacy office" means the
182 Land Trusts Protection and Advocacy Office created in Section 53D-2-201.

183 ~~[(9)]~~ (10) "Trust fund" means money derived from:

184 (a) the sale or use of land granted to the state under Sections 6, 8, and 12 of the
185 enabling act;

186 (b) proceeds referred to in Section 9 of the enabling act from the sale of public land;
187 and

188 (c) revenue and assets referred to in Utah Constitution, Article X, Section 5,
189 Subsections (1)(c), (e), and (f).

190 Section 5. Section 53D-1-202 is amended to read:

191 **53D-1-202. Access to office records and personnel.**

192 (1) The office shall provide board members and the ~~[director of the school children's~~
193 ~~trust section]~~ advocacy office director access to all office records and personnel as necessary
194 for board members and the ~~[director of the school children's trust section]~~ advocacy office
195 director to fulfill their responsibilities to ensure that the office is in full compliance with
196 applicable law and policies.

197 (2) If the director requires, board members and the ~~[director of the school children's~~

198 ~~trust section]~~ advocacy office director shall maintain confidentiality of information they obtain
199 from office records and personnel.

200 Section 6. Section **53D-1-304** is amended to read:

201 **53D-1-304. Board meetings.**

202 (1) The board shall hold at least six meetings per year to conduct business.

203 (2) The board chair or two board members:

204 (a) may call a board meeting; and

205 (b) if calling a board meeting, shall provide as much advance notice as is reasonable
206 under the circumstances to all board members, the director, and the [~~director of the school~~
207 ~~children's trust section]~~ advocacy office director.

208 (3) Any board member may place an item on a board meeting agenda.

209 (4) The board shall annually adopt a set of parliamentary procedures to govern board
210 meetings.

211 (5) The board may establish an attendance policy to govern the attendance of board
212 members at board meetings.

213 Section 7. Section **53D-1-401** is amended to read:

214 **53D-1-401. Appointment of director -- Qualifications -- Nature of employment --**
215 **Removal by petition.**

216 (1) The office shall be managed by a director.

217 (2) If there is a vacancy in the director position, the board shall appoint an individual as
218 director.

219 (3) The board shall ensure that an individual appointed as director possesses:

220 (a) outstanding professional qualifications pertinent to the prudent investment of trust
221 fund money; and

222 (b) expertise in institutional investment management.

223 (4) The director is an at-will employee who may be removed by the board at any time
224 with or without cause.

225 (5) (a) The [~~State Board of Education]~~ advocacy office director may submit a written

226 petition to the board requesting the board to remove the director for cause, explained in the
227 petition.

228 (b) The board shall hold a hearing on a petition under Subsection (5)(a) within 45 days
229 after receiving the petition.

230 (c) If, after holding a hearing, the board finds by a preponderance of the evidence that
231 there is cause for removing the director, the board shall remove the director.

232 Section 8. Section **53D-1-402** is amended to read:

233 **53D-1-402. Director duties and responsibilities.**

234 (1) The director has broad authority to manage the office to fulfill its purposes,
235 consistent with the enabling act, the Utah Constitution, state law, and board policies.

236 (2) The director shall:

237 (a) before assuming the duties of director, take an oath that includes the following:

238 "I solemnly swear to carry out my duties as director of the School and Institutional
239 Trust Fund Office with undivided loyalty to the beneficiaries of the trust fund managed by the
240 office, to the best of my abilities and consistent with the law.";

241 (b) carry out the policies of the board;

242 (c) act with undivided loyalty to those entitled to the benefit of income from the trust
243 fund, consistent with the director's fiduciary duties and responsibilities;

244 (d) follow the prudent investor rule, prudently seeking to obtain the optimum return
245 from the investment of trust fund money and assets, balancing short-term and long-term
246 interests under the principle of intergenerational equity;

247 (e) exercise full discretionary authority to manage, maintain, transfer, or sell assets of
248 the trust fund in the manner that the director determines to be most favorable to beneficiaries;

249 (f) maintain the integrity of the trust fund and prevent, through prudent management,
250 the misapplication of trust fund money;

251 (g) adopt rules, as provided in Subsection **53D-1-103(4)**, that are necessary for the
252 proper exercise of the director's duties under this chapter and policies established by the board;

253 (h) faithfully manage the office under policies established by the board;

- 254 (i) annually submit to the board:
- 255 (i) an office budget; and
- 256 (ii) a financial plan for operations of the office;
- 257 (j) after board approval of the office budget, submit the budget to the governor and the
- 258 Legislature;
- 259 (k) direct and control budget expenditures;
- 260 (l) establish job descriptions and, within budgetary constraints, employ staff necessary
- 261 to accomplish the purposes of the office;
- 262 (m) in accordance with generally accepted principles of fund accounting, establish a
- 263 system to identify and account for the trust fund assets;
- 264 (n) notify the [~~director of the school children's trust section~~] advocacy office director of
- 265 major items that the director knows may be useful to the [~~director of the school children's trust~~
- 266 ~~section~~] advocacy office director in protecting the rights of beneficiaries;
- 267 (o) maintain appropriate records of trust fund activities to enable auditors to conduct
- 268 periodic audits;
- 269 (p) respond in writing within a reasonable time to a request by the [~~director of the~~
- 270 ~~school children's trust section~~] advocacy office director for information on policies and
- 271 practices affecting the management of the trust fund; and
- 272 (q) respond to a question that the board submits under Subsection 53D-1-303(4)(b)
- 273 within a reasonable time after receiving the question.

274 (3) The office may:

- 275 (a) sue or be sued; and
- 276 (b) contract with other public agencies for personnel management services.

277 Section 9. Section 53D-1-403 is amended to read:

278 **53D-1-403. Reports.**

279 (1) At least annually, the director shall report in person to the Legislative Management
280 Committee, the governor, and the [~~State Board of Education~~] advocacy office, concerning the
281 office's investments, performance, estimated distributions, and other activities.

282 (2) The director shall report to the board concerning the work of the director and the
283 investment activities and other activities of the office:

284 (a) in a public meeting at least six times per year; and

285 (b) as otherwise requested by the board.

286 (3) (a) Before November 1 of each year, the director shall:

287 (i) submit a written report to school community councils, created under Section

288 ~~[53A-1a-108]~~ 53G-7-1202, and charter trust land councils, established under Section

289 ~~[53A-16-101.5]~~ 53G-7-1205, concerning the office's investments, performance, estimated
290 distributions, and other activities; and

291 (ii) post the written report described in Subsection (3)(a)(i) on the office's website.

292 (b) A report under Subsection (3)(a) shall be prepared in simple language designed to
293 be understood by the general public.

294 (4) The director shall provide to the board:

295 (a) monthly written reports on the activities of the office;

296 (b) quarterly financial reports; and

297 (c) any other report requested by the board.

298 (5) The director shall:

299 (a) invite the ~~[director of the school children's trust section]~~ advocacy office director to
300 attend any meeting at which the director gives a report under this section; and

301 (b) provide the ~~[director of the school children's trust section]~~ advocacy office director:

302 (i) a copy of any written report prepared under this section; and

303 (ii) any other report requested by the ~~[director of the school children's trust section]~~
304 advocacy office director.

305 Section 10. Section **53D-1-501** is amended to read:

306 **53D-1-501. Nominating committee -- Membership -- Terms -- Vacancies --**

307 **Compensation.**

308 (1) There is established a School and Institutional Trust Fund Nominating Committee.

309 (2) The nominating committee consists of:

310 (a) four members, appointed by the [~~State Board of Education~~] state treasurer upon
311 recommendation by the [~~director of the school children's trust section~~] advocacy office director,
312 each of whom is a member of a respected professional investment organization;

313 (b) the chief investment officer of the University of Utah endowment;

314 (c) the chief investment officer of the Utah State University endowment; and

315 (d) the [~~director of the school children's trust section~~] advocacy office director.

316 (3) An individual appointed as a member of the nominating committee under
317 Subsection (2)(a) shall be appointed based on the individual's expertise in:

318 (a) investment finance;

319 (b) institutional asset management;

320 (c) trust administration; or

321 (d) the practice of law in the areas of capital markets, securities law, trusts,
322 foundations, endowments, investment finance, institutional asset management, or trust
323 administration.

324 (4) The term of a member appointed under Subsection (2)(a) is four years.

325 (5) A nominating committee member shall serve until a successor is appointed and
326 qualified.

327 (6) (a) If a member appointed under Subsection (2)(a) leaves office, the vacancy shall
328 be filled in the same manner as the initial appointment under Subsection (2)(a).

329 (b) An individual appointed to fill a vacancy under Subsection (6)(a) serves the
330 remainder of the unexpired term.

331 (7) A member of the nominating committee may not receive compensation or benefits
332 for the member's service, but may receive per diem and travel expenses in accordance with:

333 (a) Section [63A-3-106](#);

334 (b) Section [63A-3-107](#); and

335 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
336 [63A-3-107](#).

337 Section 11. Section **53D-1-502** is amended to read:

338 **53D-1-502. Chair and vice chair -- Quorum and voting requirements -- Bylaws --**
339 **Staff.**

340 (1) The nominating committee shall select a chair and vice chair from its members.

341 (2) (a) Four members of the nominating committee constitute a quorum.

342 (b) An action of the nominating committee requires the affirmative vote of at least four
343 members.

344 (3) The nominating committee shall establish bylaws to govern the nominating
345 committee.

346 (4) The [~~school children's trust section~~] advocacy office shall provide staff support to
347 the nominating committee.

348 Section 12. Section **53D-2-101** is enacted to read:

349 **CHAPTER 2. LAND TRUSTS PROTECTION AND ADVOCACY OFFICE**

350 **Part 1. General Provisions**

351 **53D-2-101. Title.**

352 This chapter is known as "Land Trusts Protection and Advocacy Office."

353 Section 13. Section **53D-2-102** is enacted to read:

354 **53D-2-102. Definitions.**

355 As used in this chapter:

356 (1) "Advocacy committee" means the Land Trusts Protection and Advocacy
357 Committee, created in Section [53D-2-202](#).

358 (2) "Advocacy director" means the director of the advocacy office, appointed as
359 described in Section [53D-2-203](#).

360 (3) "Advocacy office" means the Land Trusts Protection and Advocacy Office, created
361 in Section [53D-2-201](#).

362 (4) "School and institutional trust" or "trust" includes:

363 (a) school and institutional trust lands, as defined in Section [53C-1-103](#), and related
364 assets; and

365 (b) funds and investments of school and institutional trust land revenue, as described in

366 Title 53D, Chapter 1, School and Institutional Trust Fund Management Act.

367 (5) "School and Institutional Trust System" means:

368 (a) the School and Institutional Trust Lands Administration, described in Title 53C,

369 School and Institutional Trust Lands Management Act;

370 (b) the School and Institutional Trust Fund Office, described in Title 53D, Chapter 1,

371 School and Institutional Trust Fund Management Act;

372 (c) the Land Trusts Protection and Advocacy Office, described in this chapter; and

373 (d) the School LAND Trust Program, described in Sections [53F-2-404](#) and

374 [53G-7-1206](#).

375 (6) "Trust beneficiaries" means those for whose benefit the school and institutional

376 trust is managed and preserved, as required by:

377 (a) the Utah Enabling Act;

378 (b) the Utah Constitution; and

379 (c) state law.

380 Section 14. Section **53D-2-201** is enacted to read:

381 **Part 2. Land Trusts Protection and Advocacy Office**

382 **53D-2-201. Land Trusts Protection and Advocacy Office -- State treasurer**

383 **oversight and rulemaking -- Advocacy office duties.**

384 (1) There is created the Land Trusts Protection and Advocacy Office to represent the

385 beneficiary interests of the school and institutional trust in advocating for:

386 (a) distribution of trust revenue to current beneficiaries; and

387 (b) generation of trust revenue for future beneficiaries.

388 (2) The state treasurer shall:

389 (a) acting in a fiduciary capacity to trust beneficiaries, oversee and support the

390 advocacy of the advocacy office, including:

391 (i) determining reporting requirements for the advocacy director and advocacy office;

392 and

393 (ii) submitting an advocacy office budget to the Legislature; and

394 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
395 this chapter, make rules to administer the advocacy office, including the duties described in
396 Subsection (2)(a).

397 (3) The advocacy office shall have an advocacy director, as described in Section
398 53D-2-203.

399 (4) In accordance with the Utah Enabling Act, the Utah Constitution, and state law, the
400 advocacy office shall act with undivided loyalty to the trust beneficiaries, advocating against
401 the state using a trust asset to pursue a state goal that is inconsistent with a purpose of the trust
402 associated with that asset.

403 (5) To protect current and future beneficiary rights and interests as described in
404 Subsection (1), the advocacy office shall advocate for:

405 (a) productive use of and optimal revenue from school and institutional trust lands by
406 the School and Institutional Trust Lands Administration, as described in Title 53C, School and
407 Institutional Trust Lands Management Act;

408 (b) prudent and profitable investment of trust funds by the School and Institutional
409 Trust Fund Office, as described in Title 53D, Chapter 1, School and Institutional Trust Fund
410 Management Act;

411 (c) effective distribution of funds to public schools through the School LAND Trust
412 Program described in Sections 53F-2-404 and 53G-7-1206; and

413 (d) optimization of revenue to all trust beneficiaries.

414 (6) To fulfill the advocacy office's duties to trust beneficiaries, the advocacy office
415 shall:

416 (a) stay informed on the administration of the trust and trust assets, including:

417 (i) major School and Institutional Trust Land Administration transactions; and

418 (ii) the School and Institutional Trust Fund Office investments and investment policy
419 statements;

420 (b) fulfill advocacy office responsibilities and manage advocacy office activities in a
421 prudent and professional manner;

- 422 (c) promote efficient use of trust budgets for trust beneficiaries; and
- 423 (d) properly account to trust beneficiaries and the Legislature, as described in Section
- 424 53D-2-203.

425 Section 15. Section **53D-2-202** is enacted to read:

426 **53D-2-202. Land Trusts Protection and Advocacy Committee -- Duties --**
427 **Governance.**

- 428 (1) There is created the Land Trusts Protection and Advocacy Committee to:
- 429 (a) oversee the activities of the advocacy director and the advocacy office;
- 430 (b) submit advocacy director candidate names to the state treasurer, as described in
- 431 Section 53D-2-203;
- 432 (c) determine the advocacy director's compensation and annually review the
- 433 compensation and performance of the advocacy director;
- 434 (d) receive quarterly reports from the advocacy director;
- 435 (e) review, amend as necessary, and transmit to the state treasurer proposed rules
- 436 submitted by the advocacy director;
- 437 (f) receive the annual report described in Section 53D-2-203 from the advocacy
- 438 director; and
- 439 (g) give policy direction to the advocacy office.
- 440 (2) In accordance with Subsection (3), the advocacy committee consists of the
- 441 following five members:
- 442 (a) two individuals appointed by the School and Institutional Trust Lands Board of
- 443 Trustees;
- 444 (b) one individual appointed by the School and Institutional Trust Fund Board of
- 445 Trustees;
- 446 (c) one individual appointed by the state treasurer; and
- 447 (d) a State Board of Education staff member who administers the School LAND Trust
- 448 Program, designated as described in Section 53G-7-1206.
- 449 (3) A member of the advocacy committee:

- 450 (a) may not be:
- 451 (i) the state treasurer or a current employee of the state treasurer;
- 452 (ii) a member of the School and Institutional Trust Lands Board of Trustees;
- 453 (iii) an employee of the School and Institutional Trust Lands Administration;
- 454 (iv) a member of the School and Institutional Trust Fund Board of Trustees; or
- 455 (v) an employee of the School and Institutional Trust Fund Office;
- 456 (b) shall have significant qualifications related to the purposes and activities of the
- 457 school and institutional trust, such as:
- 458 (i) nonrenewable resource development;
- 459 (ii) renewable resource management;
- 460 (iii) real estate development; or
- 461 (iv) investment management; and
- 462 (c) shall have demonstrated a commitment of time and loyalty to the purposes of the
- 463 trust.
- 464 (4) (a) Except as provided in Subsections (4)(b) and (c), an appointed member of the
- 465 advocacy committee shall:
- 466 (i) serve a four-year term; and
- 467 (ii) receive notification of an appointment on or before December 1 of the year before
- 468 the vacancy occurs for which the member is appointed.
- 469 (b) At the time of appointment or reappointment, the state treasurer shall adjust the
- 470 length of the initial terms of the advocacy committee's appointed members to ensure that the
- 471 terms are staggered so that approximately half of the advocacy committee is appointed every
- 472 two years.
- 473 (c) If a vacancy occurs during the course of an appointed member's term, the
- 474 appointing entity shall immediately appoint a replacement for the unexpired term.
- 475 (5) Advocacy committee members shall annually elect a chair.
- 476 (6) (a) The advocacy committee shall meet at least quarterly, at a time set by the chair.
- 477 (b) The chair or any two members of the advocacy committee may call an additional

478 meeting.

479 (7) (a) A quorum for the transaction of business is four members of the advocacy
480 committee.

481 (b) Action by a majority of a quorum present constitutes the action of the advocacy
482 committee.

483 (8) An advocacy committee member may not receive compensation or benefits for the
484 member's service, but may receive per diem and travel expenses in accordance with:

485 (a) Section [63A-3-106](#);

486 (b) Section [63A-3-107](#); and

487 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
488 [63A-3-107](#).

489 (9) The state treasurer's office shall provide staff support to the advocacy committee.

490 Section 16. Section **53D-2-203** is enacted to read:

491 **53D-2-203. Land Trusts Protection and Advocacy Office director -- Appointment**
492 **-- Removal -- Power and duties.**

493 (1) (a) The advocacy committee shall:

494 (i) discuss candidates who may qualify for appointment as the advocacy director, as
495 described in Subsection (1)(b);

496 (ii) determine the two most qualified candidates; and

497 (iii) submit the names of those two candidates to the state treasurer as potential
498 appointees for the advocacy director.

499 (b) A potential appointee for advocacy director shall have significant expertise and
500 qualifications relating to generating revenue to the school and institutional trust and the duties
501 of the advocacy office and the advocacy director, which may include expertise in:

502 (i) business;

503 (ii) finance;

504 (iii) economics;

505 (iv) natural resources; or

- 506 (v) advocacy.
- 507 (c) From the individuals described in Subsection (1)(a), the state treasurer shall appoint
- 508 one as the advocacy director.
- 509 (2) (a) An advocacy director shall serve a four-year term.
- 510 (b) If a vacancy occurs in the advocacy director's position, the advocacy committee and
- 511 state treasurer shall, in accordance with Subsection (1), appoint a replacement director for a
- 512 four-year term.
- 513 (3) The advocacy committee may remove the advocacy director during a meeting that
- 514 is not closed as described in Section [52-4-204](#), if:
- 515 (a) removal of the advocacy director is scheduled on the agenda for the meeting; and
- 516 (b) a majority of a committee quorum votes to remove the advocacy director.
- 517 (4) In accordance with state and federal law, the advocacy director may attend a
- 518 presentation, discussion, meeting, or other gathering related to the school and institutional trust.
- 519 (5) In order to fulfill the duties of the advocacy office described in Section [53D-2-201](#),
- 520 the advocacy director shall:
- 521 (a) maintain a direct relationship with each individual who is key to fulfilling the state's
- 522 trustee obligations and duties related to the trust;
- 523 (b) facilitate open communication among key individuals described in Subsection
- 524 (5)(a);
- 525 (c) actively seek necessary and accurate information;
- 526 (d) review and, if necessary, recommend the state auditor audit, activities involved in:
- 527 (i) generating trust revenue;
- 528 (ii) protecting trust assets; or
- 529 (iii) distributing funds for the exclusive use of trust beneficiaries;
- 530 (e) promote accurate record keeping of all records relevant to the trust and distribution
- 531 to trust beneficiaries;
- 532 (f) report at least quarterly to the advocacy committee and the state treasurer on the
- 533 current activities of the advocacy office;

- 534 (g) annually submit a proposed advocacy office budget to the state treasurer;
- 535 (h) regarding the trust's compliance with law, and among the School and Institutional
- 536 Trust Lands System as a whole, report annually to:
- 537 (i) the advocacy committee;
- 538 (ii) the state treasurer;
- 539 (iii) the State Board of Education; and
- 540 (iv) the Executive Appropriations Committee;
- 541 (i) annually send a financial report regarding the relevant individual trust, and, upon
- 542 request, report in person to:
- 543 (i) Utah State University, on behalf of the agricultural college trust;
- 544 (ii) the University of Utah;
- 545 (iii) the Utah State Hospital, on behalf of the mental hospital trust;
- 546 (iv) the Utah Schools for the Deaf and the Blind, on behalf of the institution for the
- 547 blind trust and the deaf and dumb asylum trust;
- 548 (v) the youth in custody program at the State Board of Education, on behalf of the
- 549 reform school trust;
- 550 (vi) the Division of Water Resources, created in Section [73-10-18](#), on behalf of the
- 551 reservoir trust;
- 552 (vii) the College of Mines and Earth Sciences created in Section [53B-17-401](#);
- 553 (viii) each state teachers' college, based on the college's annual number of teacher
- 554 graduates, on behalf of the normal school trust;
- 555 (ix) the Miners' Hospital described in Section [53B-17-201](#); and
- 556 (x) the State Capitol Preservation Board, created in Section [63C-9-201](#), on behalf of
- 557 the public buildings trust;
- 558 (j) as requested by the state treasurer, draft proposed rules and submit the proposed
- 559 rules to the advocacy committee for review;
- 560 (k) in accordance with state and federal law, respond to external requests for
- 561 information about the School and Institutional Trust Lands System;

- 562 (l) in accordance with state and federal law, speak on behalf of trust beneficiaries:
- 563 (i) at School and Institutional Trust Lands Administration meetings;
- 564 (ii) at School and Institutional Trust Fund Office meetings; and
- 565 (iii) with the media;
- 566 (m) review proposed legislation that affects the school and institutional trust and trust
- 567 beneficiaries and advocate for legislative change that best serves the interests of the trust
- 568 beneficiaries; and
- 569 (n) educate the public regarding the School and Institutional Trust Lands System.

570 (6) With regard to reviewing the activities described in Subsection (5)(d), the advocacy
571 director may have access to the financial reports and other data required for a review.

572 Section 17. Section **53D-2-204** is enacted to read:

573 **53D-2-204. Land Trusts Protection and Advocacy Account -- Funding of**
574 **advocacy office operations.**

575 (1) As used in this section:

576 (a) "Account" means the Land Trusts Protection and Advocacy Account created in this
577 section.

578 (b) "School and Institutional Trust Fund Office director" or "SITFO director" means
579 the director of the School and Institutional Trust Fund Office, appointed under Section
580 [53D-1-401](#).

581 (c) "Trust fund" means the same as that term is defined in Section [53D-1-102](#).

582 (2) There is created an enterprise fund known as the Land Trusts Protection and
583 Advocacy Account.

584 (3) The account is funded by money deposited into the account as provided in
585 Subsection (4).

586 (4) (a) During a fiscal year, the SITFO director shall deposit into the account a total
587 amount of money, taken proportionately from trust fund assets according to the value of the
588 various funds established for the trust beneficiaries, that is equal to the annual appropriation
589 that the Legislature makes to the advocacy office.

590 (b) The advocacy office may use money in the account to pay for the advocacy office's
591 operating costs.

592 (c) If the amount of money deposited into the account under Subsection (4)(a) in any
593 fiscal year exceeds the amount required by the advocacy office during that year to fund
594 advocacy office operations, the SITFO director shall distribute the excess money
595 proportionately to the various funds established for the trust beneficiaries, based on the
596 balances of those funds as of June 30.

597 Section 18. Section **53F-2-203** is amended to read:

598 **53F-2-203. Reduction of local education board allocation based on insufficient**
599 **revenues.**

600 (1) As used in this section, "Minimum School Program funds" means the total of state
601 and local funds appropriated for the minimum school program, excluding:

- 602 (a) the state-supported voted local levy program pursuant to Section [53F-2-601](#);
- 603 (b) the state-supported board local levy program pursuant to Section [53F-2-602](#); and
- 604 (c) the appropriation to charter schools to replace local property tax revenues pursuant
605 to Section [53F-2-704](#).

606 (2) If the Legislature reduces appropriations made to support public schools under this
607 chapter because an Education Fund budget deficit, as defined in Section [63J-1-312](#), exists, the
608 State Board of Education, after consultation with each local education board, shall allocate the
609 reduction among school districts and charter schools in proportion to each school district's or
610 charter school's percentage share of Minimum School Program funds.

611 (3) Except as provided in Subsection (5) and subject to the requirements of Subsection
612 (7), a local education board shall determine which programs are affected by a reduction
613 pursuant to Subsection (2) and the amount each program is reduced.

614 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified
615 amount in any particular program is waived if reductions are made pursuant to Subsection (2).

616 (5) A local education board may not reduce or reallocate spending of funds distributed
617 to the school district or charter school for the following programs:

- 618 (a) educator salary adjustments provided in Section 53F-2-405;
- 619 (b) the Teacher Salary Supplement Program provided in Section 53F-2-504;
- 620 (c) the extended year for special educators provided in Section 53F-2-310;
- 621 (d) USTAR centers provided in Section 53F-2-505;
- 622 (e) the School LAND Trust Program [~~created in Section~~] described in Sections
- 623 53F-2-404 and 53F-7-1206; or
- 624 (f) a special education program within the Basic School Program.
- 625 (6) A local education board may not reallocate spending of funds distributed to the
- 626 school district or charter school to a reserve account.
- 627 (7) A local education board that reduces or reallocates funds in accordance with this
- 628 section shall report all transfers into, or out of, Minimum School Program programs to the
- 629 State Board of Education as part of the school district or charter school's Annual Financial and
- 630 Program report.

631 Section 19. Section 53F-2-404 is amended to read:

632 **53F-2-404. School LAND Trust Program distribution of funds.**

633 [~~(1) As used in this section:~~]

634 [~~(a) "Charter agreement" means an agreement made in accordance with Section~~
635 ~~53G-5-303 that authorizes the operation of a charter school.~~]

636 [~~(b) "Charter school authorizer" means the same as that term is defined in Section~~
637 ~~53G-5-102.~~]

638 [~~(c) "Charter trust land council" means a council established by a charter school~~
639 ~~governing board under this section.~~]

640 [~~(d) "Council" means a school community council or a charter trust land council.~~]

641 [~~(e) "District school" means a public school under the control of a local school board~~
642 ~~elected under Title 20A, Chapter 14, Nomination and Election of State and Local School~~
643 ~~Boards.~~]

644 [~~(f) "School community council" means a council established at a district school in~~
645 ~~accordance with Section 53G-7-1202.~~]

646 ~~[(2) There is established the School LAND (Learning And Nurturing Development)~~
 647 ~~Trust Program to:]~~

648 ~~[(a) provide financial resources to public schools to enhance or improve student~~
 649 ~~academic achievement and implement a component of a district school's school improvement~~
 650 ~~plan or a charter school's charter agreement; and]~~

651 ~~[(b) involve parents and guardians of a school's students in decision making regarding~~
 652 ~~the expenditure of School LAND Trust Program money allocated to the school.]~~

653 ~~[(3)]~~ (1) (a) The ~~[program]~~ School LAND Trust Program, established in Section
 654 53G-7-1206, shall be funded each fiscal year:

655 (i) from the Trust Distribution Account created in Section 53F-9-201; and

656 (ii) in the amount of the sum of the following:

657 (A) on or about July 15 each year, out of the distributions from the investment of
 658 money in the permanent State School Fund deposited to the Trust Distribution Account ~~[on or~~
 659 ~~about July 15 each year]~~; and

660 (B) interest accrued on the Trust Distribution Account in the immediately preceding
 661 fiscal year.

662 (b) The program shall be funded as provided in Subsection ~~[(3)]~~ (1)(a) up to an amount
 663 equal to 3% of the funds provided for the Minimum School Program, pursuant to this chapter,
 664 each fiscal year.

665 (c) ~~[(i)]~~ The Legislature shall annually allocate, through an appropriation to the State
 666 Board of Education, a portion of the Trust Distribution Account created in Section 53F-9-201
 667 to be used for~~[-]~~ the administration of the School LAND Trust Program.

668 ~~[(A) the administration of the School LAND Trust Program; and]~~

669 ~~[(B) the performance of duties described in Section 53E-3-514.]~~

670 ~~[(ii)]~~ (d) Any unused balance remaining from an amount appropriated under
 671 Subsection ~~[(3)(c)(i)]~~ (1)(c) shall be deposited in the Trust Distribution Account for
 672 distribution to schools in the School LAND Trust Program.

673 ~~[(4)]~~ (2) (a) The State Board of Education shall allocate the money referred to in

674 Subsection [~~3~~] (1) annually as follows:

675 (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the
676 product of:

677 (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the
678 Blind divided by enrollment on October 1 in the prior year in public schools statewide; and

679 (B) the total amount available for distribution under Subsection [~~3~~] (1);

680 (ii) charter schools shall receive funding equal to the product of:

681 (A) charter school enrollment on October 1 in the prior year, divided by enrollment on
682 October 1 in the prior year in public schools statewide; and

683 (B) the total amount available for distribution under Subsection [~~3~~] (1); and

684 (iii) of the funds available for distribution under Subsection [~~3~~] (1) after the
685 allocation of funds for the Utah Schools for the Deaf and the Blind and charter schools:

686 (A) school districts shall receive 10% of the funds on an equal basis; and

687 (B) the remaining 90% of the funds shall be distributed to school districts on a per
688 student basis.

689 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
690 the State Board of Education shall make rules specifying a formula to distribute the amount
691 allocated under Subsection [~~4~~] (2)(a)(ii) to charter schools.

692 (ii) In making rules under Subsection [~~4~~] (2)(b)(i), the State Board of Education shall:

693 (A) consult with the State Charter School Board; and

694 (B) ensure that the rules include a provision that allows a charter school in the charter
695 school's first year of operations to receive funding based on projected enrollment, to be
696 adjusted in future years based on actual enrollment.

697 (c) A school district shall distribute its allocation under Subsection [~~4~~] (2)(a)(iii) to
698 each school within the school district on an equal per student basis.

699 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
700 State Board of Education may make rules regarding the time and manner in which the student
701 count shall be made for allocation of the money under Subsection [~~4~~] (2)(a)(iii).

- 702 ~~[(5) To receive its allocation under Subsection (4):]~~
- 703 ~~[(a) a district school shall have established a school community council in accordance~~
- 704 ~~with Section 53G-7-1202;]~~
- 705 ~~[(b) a charter school shall have established a charter trust land council in accordance~~
- 706 ~~with Subsection (9); and]~~
- 707 ~~[(c) the school's principal shall provide a signed, written assurance that the school is in~~
- 708 ~~compliance with Subsection (5)(a) or (b).]~~
- 709 ~~[(6) (a) A council shall create a program to use its allocation under Subsection (4) to~~
- 710 ~~implement a component of the school's improvement plan or charter agreement, including:]~~
- 711 ~~[(i) the school's identified most critical academic needs;]~~
- 712 ~~[(ii) a recommended course of action to meet the identified academic needs;]~~
- 713 ~~[(iii) a specific listing of any programs, practices, materials, or equipment which the~~
- 714 ~~school will need to implement a component of its school improvement plan to have a direct~~
- 715 ~~impact on the instruction of students and result in measurable increased student performance;~~
- 716 ~~and]~~
- 717 ~~[(iv) how the school intends to spend its allocation of funds under this section to~~
- 718 ~~enhance or improve academic excellence at the school.]~~
- 719 ~~[(b) (i) A council shall create and vote to adopt a plan for the use of School LAND~~
- 720 ~~Trust Program money in a meeting of the council at which a quorum is present.]~~
- 721 ~~[(ii) If a majority of the quorum votes to adopt a plan for the use of School LAND~~
- 722 ~~Trust Program money, the plan is adopted.]~~
- 723 ~~[(c) A council shall:]~~
- 724 ~~[(i) post a plan for the use of School LAND Trust Program money that is adopted in~~
- 725 ~~accordance with Subsection (6)(b) on the School LAND Trust Program website; and]~~
- 726 ~~[(ii) include with the plan a report noting the number of council members who voted~~
- 727 ~~for or against the approval of the plan and the number of council members who were absent for~~
- 728 ~~the vote.]~~
- 729 ~~[(d) (i) The local school board of a district school shall approve or disapprove a plan~~

730 for the use of School LAND Trust Program money.]

731 [(ii) If a local school board disapproves a plan for the use of School LAND Trust
732 Program money:]

733 [(A) the local school board shall provide a written explanation of why the plan was
734 disapproved and request the school community council who submitted the plan to revise the
735 plan; and]

736 [(B) the school community council shall submit a revised plan in response to a local
737 school board's request under Subsection (6)(d)(ii)(A).:]

738 [(iii) Once a plan has been approved by a local school board, a school community
739 council may amend the plan, subject to a majority vote of the school community council and
740 local school board approval.]

741 [(e) A charter trust land council's plan for the use of School LAND Trust Program
742 money is subject to approval by the:]

743 [(i) charter school governing board; and]

744 [(ii) charter school's charter school authorizer.:]

745 [(7) (a) A district school or charter school shall:]

746 [(i) implement the program as approved;]

747 [(ii) provide ongoing support for the council's program; and]

748 [(iii) meet State Board of Education reporting requirements regarding financial and
749 performance accountability of the program.]

750 [(b) (i) A district school or charter school shall prepare and post an annual report of the
751 program on the School LAND Trust Program website each fall.]

752 [(ii) The report shall detail the use of program funds received by the school under this
753 section and an assessment of the results obtained from the use of the funds.]

754 [(iii) A summary of the report shall be provided to parents or guardians of students
755 attending the school.]

756 [(8) On or before October 1 of each year, a school district shall record the amount of
757 the program funds distributed to each school under Subsection (4)(c) on the School LAND

758 ~~Trust Program website to assist schools in developing the annual report described in~~
759 ~~Subsection (7)(b).]~~

760 ~~[(9) (a) The governing board of a charter school shall establish a council, which shall~~
761 ~~prepare a plan for the use of School LAND Trust Program money that includes the elements~~
762 ~~listed in Subsection (6).]~~

763 ~~[(b) (i) The membership of the council shall include parents or guardians of students~~
764 ~~enrolled at the school and may include other members.]~~

765 ~~[(ii) The number of council members who are parents or guardians of students enrolled~~
766 ~~at the school shall exceed all other members combined by at least two.]~~

767 ~~[(c) A charter school governing board may serve as the council that prepares a plan for~~
768 ~~the use of School LAND Trust Program money if the membership of the charter school~~
769 ~~governing board meets the requirements of Subsection (9)(b)(ii).]~~

770 ~~[(d) (i) Except as provided in Subsection (9)(d)(ii), council members who are parents~~
771 ~~or guardians of students enrolled at the school shall be elected in accordance with procedures~~
772 ~~established by the charter school governing board.]~~

773 ~~[(ii) Subsection (9)(d)(i) does not apply to a charter school governing board that serves~~
774 ~~as the council that prepares a plan for the use of School LAND Trust Program money.]~~

775 ~~[(e) A parent or guardian of a student enrolled at the school shall serve as chair or~~
776 ~~cochair of a council that prepares a plan for the use of School LAND Trust Program money.]~~

777 ~~[(10) The president or chair of a local school board or charter school governing board~~
778 ~~shall ensure that the members of the local school board or charter school governing board are~~
779 ~~provided with annual training on the requirements of this section.]~~

780 ~~[(11)]~~ (3) If the amount of money prescribed for funding the School LAND Trust
781 Program under this section is less than or greater than the money appropriated for the School
782 LAND Trust Program, the appropriation shall be equal to the amount of money prescribed for
783 funding the School LAND Trust Program in this section, up to a maximum of an amount equal
784 to 3% of the funds provided for the Minimum School Program.

785 ~~[(12)]~~ (4) The State Board of Education shall distribute the money appropriated in

786 Subsection [~~(1)~~] (3) in accordance with this section and rules established by the board in
787 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

788 Section 20. Section **53F-9-201** is amended to read:

789 **53F-9-201. Uniform School Fund -- Contents -- Trust Distribution Account.**

790 (1) The Uniform School Fund, a special revenue fund within the Education Fund,
791 established by Utah Constitution, Article X, Section 5, consists of:

792 (a) distributions derived from the investment of money in the permanent State School
793 Fund established by Utah Constitution, Article X, Section 5;

794 (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform
795 Unclaimed Property Act; and

796 (c) all other constitutional or legislative allocations to the fund, including revenues
797 received by donation.

798 (2) (a) There is created within the Uniform School Fund a restricted account known as
799 the Trust Distribution Account.

800 (b) The Trust Distribution Account consists of the average of:

801 (i) 4% of the average market value of the permanent State School Fund based on an
802 annual review each July of the past 12 consecutive quarters; and

803 (ii) the prior year's distribution from the Trust Distribution Account as described in
804 Section **53F-2-404**, increased by prior year changes in the percentage of student enrollment
805 growth and in the consumer price index.

806 (3) Notwithstanding Subsection (2)(b), the distribution may not exceed 4% of the
807 average market value of the permanent State School Fund over the past 12 consecutive
808 quarters.

809 (4) The School and Institutional Trust Fund Board of Trustees created in Section
810 **53D-1-301** shall:

811 (a) annually review distribution of the Trust Distribution Account; and

812 (b) make recommendations, if necessary, to the Legislature for changes to the formula
813 described in Subsection (2)(b).

814 (5) (a) Upon appropriation by the Legislature, the director of the School and
815 Institutional Trust Fund Office created in Section 53D-1-201 shall place in the Trust
816 Distribution Account funds for:

- 817 (i) the administration of the School LAND Trust Program as [~~provided in Section~~]
818 described in Sections 53F-2-404 and 53G-7-1206;
- 819 [~~(ii) the performance of duties described in Section 53E-3-514;~~]
820 [(iii)] (ii) the School and Institutional Trust Fund Office; and
821 [(iv)] (iii) the School and Institutional Trust Fund Board of Trustees created in Section
822 53D-1-301.

823 (b) The Legislature may appropriate any remaining balance for the support of the
824 public education system.

825 Section 21. Section 53G-5-410 is amended to read:

826 **53G-5-410. Safe technology utilization and digital citizenship.**

827 A charter school governing board, or a council formed by a charter school governing
828 board to prepare a plan for the use of School LAND Trust Program money under Section
829 [~~53F-2-404~~] 53G-7-1206:

830 (1) shall provide for education and awareness on safe technology utilization and digital
831 citizenship that empowers:

- 832 (a) a student to make smart media and online choices; and
833 (b) a parent or guardian to know how to discuss safe technology use with the parent's
834 or guardian's child;

835 (2) shall partner with the school's principal and other administrators to ensure that
836 adequate on and off campus Internet filtering is installed and consistently configured to prevent
837 viewing of harmful content by students and school personnel, in accordance with charter school
838 governing board policy and Subsection 53G-7-216(3); and

839 (3) may partner with one or more non-profit organizations to fulfill the duties described
840 in Subsections (1) and (2).

841 Section 22. Section 53G-7-1202 is amended to read:

842 **53G-7-1202. School community councils -- Duties -- Composition -- Election**
843 **procedures and selection of members.**

844 (1) As used in this section:

845 (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy
846 behavior related to technology use, including digital literacy, ethics, etiquette, and security.

847 (b) "District school" means a public school under the control of a local school board
848 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
849 Boards.

850 (c) "Educator" means the same as that term is defined in Section [53E-6-102](#).

851 (d) (i) "Parent or guardian member" means a member of a school community council
852 who is a parent or guardian of a student who:

853 (A) is attending the school; or

854 (B) will be enrolled at the school during the parent's or guardian's term of office.

855 (ii) "Parent or guardian member" may not include an educator who is employed at the
856 school.

857 (e) "School community council" means a council established at a district school in
858 accordance with this section.

859 (f) "School employee member" means a member of a school community council who is
860 a person employed at the school by the school or school district, including the principal.

861 (g) "School LAND Trust Program money" means money allocated to a school pursuant
862 to Section [53F-2-404](#).

863 (2) A district school, in consultation with the district school's local school board, shall
864 establish a school community council at the school building level for the purpose of:

865 (a) involving parents or guardians of students in decision making at the school level;

866 (b) improving the education of students;

867 (c) prudently expending School LAND Trust Program money for the improvement of
868 students' education through collaboration among parents and guardians, school employees, and
869 the local school board; and

870 (d) increasing public awareness of:
871 (i) school trust lands and related land policies;
872 (ii) management of the State School Fund established in Utah Constitution Article X,
873 Section V; and
874 (iii) educational excellence.
875 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:
876 (i) create a school improvement plan in accordance with Section [53G-7-1204](#);
877 (ii) create the School LAND Trust Program in accordance with Section [~~53F-2-404~~]
878 [53G-7-1206](#);
879 (iii) advise and make recommendations to school and school district administrators and
880 the local school board regarding:
881 (A) the school and its programs;
882 (B) school district programs;
883 (C) a child access routing plan in accordance with Section [53G-4-402](#);
884 (D) safe technology utilization and digital citizenship; and
885 (E) other issues relating to the community environment for students;
886 (iv) provide for education and awareness on safe technology utilization and digital
887 citizenship that empowers:
888 (A) a student to make smart media and online choices; and
889 (B) a parent or guardian to know how to discuss safe technology use with the parent's
890 or guardian's child; and
891 (v) partner with the school's principal and other administrators to ensure that adequate
892 on and off campus Internet filtering is installed and consistently configured to prevent viewing
893 of harmful content by students and school personnel, in accordance with local school board
894 policy and Subsection [53G-7-216\(3\)](#).
895 (b) To fulfill the school community council's duties described in Subsections (3)(a)(iv)
896 and (v), a school community council may:
897 (i) partner with one or more non-profit organizations; or

898 (ii) create a subcommittee.

899 (c) A school or school district administrator may not prohibit or discourage a school
900 community council from discussing issues, or offering advice or recommendations, regarding
901 the school and its programs, school district programs, the curriculum, or the community
902 environment for students.

903 (4) (a) Each school community council shall consist of school employee members and
904 parent or guardian members in accordance with this section.

905 (b) Except as provided in Subsection (4)(c) or (d):

906 (i) each school community council for a high school shall have six parent or guardian
907 members and four school employee members, including the principal; and

908 (ii) each school community council for a school other than a high school shall have
909 four parent or guardian members and two school employee members, including the principal.

910 (c) A school community council may determine the size of the school community
911 council by a majority vote of a quorum of the school community council provided that:

912 (i) the membership includes two or more parent or guardian members than the number
913 of school employee members; and

914 (ii) there are at least two school employee members on the school community council.

915 (d) (i) The number of parent or guardian members of a school community council who
916 are not educators employed by the school district shall exceed the number of parent or guardian
917 members who are educators employed by the school district.

918 (ii) If, after an election, the number of parent or guardian members who are not
919 educators employed by the school district does not exceed the number of parent or guardian
920 members who are educators employed by the school district, the parent or guardian members of
921 the school community council shall appoint one or more parent or guardian members to the
922 school community council so that the number of parent or guardian members who are not
923 educators employed by the school district exceeds the number of parent or guardian members
924 who are educators employed by the school district.

925 (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than

926 the principal, shall be elected by secret ballot by a majority vote of the school employees and
927 serve a two-year term. The principal shall serve as an ex officio member with full voting
928 privileges.

929 (b) (i) Except as provided in Subsection (5)(f), a parent or guardian member shall be
930 elected by secret ballot at an election held at the school by a majority vote of those voting at the
931 election and serve a two-year term.

932 (ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent or guardian of a
933 student attending the school may vote in, or run as a candidate in, the election under Subsection
934 (5)(b)(i).

935 (B) If an election is held in the spring, a parent or guardian of a student who will be
936 attending the school the following school year may vote in, and run as a candidate in, the
937 election under Subsection (5)(b)(i).

938 (iii) Any parent or guardian of a student who meets the qualifications of this section
939 may file or declare the parent's or guardian's candidacy for election to a school community
940 council.

941 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the
942 election of parent or guardian members of a school community council shall be established by
943 a local school board for the schools within the school district.

944 (B) An election for the parent or guardian members of a school community council
945 shall be held near the beginning of the school year or held in the spring and completed before
946 the last week of school.

947 (C) Each school shall establish a time period for the election of parent or guardian
948 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at
949 least a four-year period.

950 (c) (i) At least 10 days before the date that voting commences for the elections held
951 under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee,
952 shall provide notice to each school employee, parent, or guardian, of the opportunity to vote in,
953 and run as a candidate in, an election under this Subsection (5).

- 954 (ii) The notice shall include:
- 955 (A) the dates and times of the elections;
- 956 (B) a list of council positions that are up for election; and
- 957 (C) instructions for becoming a candidate for a community council position.
- 958 (iii) The principal of the school, or the principal's designee, shall oversee the elections
- 959 held under Subsections (5)(a) and (5)(b).
- 960 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a
- 961 secure ballot box.
- 962 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made
- 963 available to the public upon request.
- 964 (e) (i) If a parent or guardian position on a school community council remains unfilled
- 965 after an election is held, the other parent or guardian members of the council shall appoint a
- 966 parent or guardian who meets the qualifications of this section to fill the position.
- 967 (ii) If a school employee position on a school community council remains unfilled after
- 968 an election is held, the other school employee members of the council shall appoint a school
- 969 employee to fill the position.
- 970 (iii) A member appointed to a school community council under Subsection (5)(e)(i) or
- 971 (ii) shall serve a two-year term.
- 972 (f) (i) If the number of candidates who file for a parent or guardian position or school
- 973 employee position on a school community council is less than or equal to the number of open
- 974 positions, an election is not required.
- 975 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian
- 976 position remains unfilled, the other parent or guardian members of the council shall appoint a
- 977 parent or guardian who meets the qualifications of this section to fill the position.
- 978 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee
- 979 position remains unfilled, the other school employee members of the council shall appoint a
- 980 school employee who meets the qualifications of this section to fill the position.
- 981 (g) The principal shall enter the names of the council members on the School LAND

982 Trust website on or before October 20 of each year, pursuant to Section 53G-7-1203.

983 (h) Terms shall be staggered so that approximately half of the council members stand
984 for election each year.

985 (i) A school community council member may serve successive terms provided the
986 member continues to meet the definition of a parent or guardian member or school employee
987 member as specified in Subsection (1).

988 (j) Each school community council shall elect:

989 (i) a chair from its parent or guardian members; and

990 (ii) a vice chair from either its parent or guardian members or school employee
991 members, excluding the principal.

992 (6) (a) A school community council may create subcommittees or task forces to:

993 (i) advise or make recommendations to the council; or

994 (ii) develop all or part of a plan listed in Subsection (3).

995 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
996 subject to the approval of the school community council.

997 (c) A school community council may appoint individuals who are not council members
998 to serve on a subcommittee or task force, including parents or guardians, school employees, or
999 other community members.

1000 (7) (a) A majority of the members of a school community council is a quorum for the
1001 transaction of business.

1002 (b) The action of a majority of the members of a quorum is the action of the school
1003 community council.

1004 (8) A local school board shall provide training for a school community council each
1005 year, including training:

1006 (a) for the chair and vice chair about their responsibilities;

1007 (b) on resources available on the School LAND Trust website; and

1008 (c) on [~~the following statutes governing school community councils:~~] this part.

1009 [~~(i) Section 53G-7-1202;~~]

1010 [~~(ii) Section 53G-7-1203;~~]

1011 [~~(iii) Section 53G-7-1204; and~~]

1012 [~~(iv) Section 53F-2-404.~~]

1013 Section 23. Section **53G-7-1203** is amended to read:

1014 **53G-7-1203. School community councils -- Open and public meeting**
1015 **requirements.**

1016 (1) As used in this section:

1017 (a) (i) "Charter trust land council" means a council established by a charter school
1018 governing board under Section [~~53F-2-404~~] 53G-7-1205.

1019 (ii) "Charter trust land council" does not include a charter school governing board
1020 acting as a charter trust land council.

1021 (b) "School community council" means a council established at a school within a
1022 school district under Section 53G-7-1202.

1023 (c) "Council" means a school community council or a charter trust land council.

1024 (2) A school community council or a charter trust land council:

1025 (a) shall conduct deliberations and take action openly as provided in this section; and

1026 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

1027 (3) (a) As required by Section 53G-7-1202, a local school board shall provide training
1028 for the members of a school community council on this section.

1029 (b) A charter school governing board shall provide training for the members of a
1030 charter trust land council on this section.

1031 (4) (a) A meeting of a council is open to the public.

1032 (b) A council may not close any portion of a meeting.

1033 (5) A council shall, at least one week prior to a meeting, post the following information
1034 on the school's website:

1035 (a) a notice of the meeting, time, and place;

1036 (b) an agenda for the meeting; and

1037 (c) the minutes of the previous meeting.

1038 (6) (a) On or before October 20, a principal shall post the following information on the
1039 school website and in the school office:

1040 (i) the proposed council meeting schedule for the year;

1041 (ii) a telephone number or email address, or both, where each council member can be
1042 reached directly; and

1043 (iii) a summary of the annual report required under Section [~~53F-2-404~~] [53G-7-1206](#)
1044 on how the school's School LAND Trust Program money was used to enhance or improve
1045 academic excellence at the school and implement a component of the school's improvement
1046 plan.

1047 (b) (i) A council shall identify and use methods of providing the information listed in
1048 Subsection (6)(a) to a parent or guardian who does not have Internet access.

1049 (ii) Money allocated to a school under the School LAND Trust Program [~~created in~~
1050 under Section [53F-2-404](#) may not be used to provide information as required by Subsection
1051 (6)(b)(i).

1052 (7) (a) The notice requirement of Subsection (5) may be disregarded if:

1053 (i) because of unforeseen circumstances it is necessary for a council to hold an
1054 emergency meeting to consider matters of an emergency or urgent nature; and

1055 (ii) the council gives the best notice practicable of:

1056 (A) the time and place of the emergency meeting; and

1057 (B) the topics to be considered at the emergency meeting.

1058 (b) An emergency meeting of a council may not be held unless:

1059 (i) an attempt has been made to notify all the members of the council; and

1060 (ii) a majority of the members of the council approve the meeting.

1061 (8) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity
1062 to notify the public as to the topics to be considered at the meeting.

1063 (b) Each topic described in Subsection (8)(a) shall be listed under an agenda item on
1064 the meeting agenda.

1065 (c) A council may not take final action on a topic in a meeting unless the topic is:

- 1066 (i) listed under an agenda item as required by Subsection (8)(b); and
1067 (ii) included with the advance public notice required by Subsection (5).
1068 (9) (a) Written minutes shall be kept of a council meeting.
1069 (b) Written minutes of a council meeting shall include:
1070 (i) the date, time, and place of the meeting;
1071 (ii) the names of members present and absent;
1072 (iii) a brief statement of the matters proposed, discussed, or decided;
1073 (iv) a record, by individual member, of each vote taken;
1074 (v) the name of each person who:
1075 (A) is not a member of the council; and
1076 (B) after being recognized by the chair, provided testimony or comments to the
1077 council;
1078 (vi) the substance, in brief, of the testimony or comments provided by the public under
1079 Subsection (9)(b)(v); and
1080 (vii) any other information that is a record of the proceedings of the meeting that any
1081 member requests be entered in the minutes.
1082 (c) The written minutes of a council meeting:
1083 (i) are a public record under Title 63G, Chapter 2, Government Records Access and
1084 Management Act; and
1085 (ii) shall be retained for three years.
1086 (10) (a) As used in this Subsection (10), "rules of order and procedure" means a set of
1087 rules that govern and prescribe in a public meeting:
1088 (i) parliamentary order and procedure;
1089 (ii) ethical behavior; and
1090 (iii) civil discourse.
1091 (b) A council shall:
1092 (i) adopt rules of order and procedure to govern a public meeting of the council;
1093 (ii) conduct a public meeting in accordance with the rules of order and procedure

1094 described in Subsection (10)(b)(i); and

1095 (iii) make the rules of order and procedure described in Subsection (10)(b)(i) available
1096 to the public:

1097 (A) at each public meeting of the council; and

1098 (B) on the school's website.

1099 Section 24. Section **53G-7-1205** is enacted to read:

1100 **53G-7-1205. Charter trust land councils.**

1101 (1) To receive School LAND Trust Program funding as described in Sections
1102 53F-2-404 and 53G-7-1206, a charter school governing board shall establish a charter trust
1103 land council, which shall prepare a plan for the use of School LAND Trust Program money that
1104 includes the elements described in Subsection 53G-7-1206(4).

1105 (2) (a) The membership of the council shall include parents or guardians of students
1106 enrolled at the school and may include other members.

1107 (b) The number of council members who are parents or guardians of students enrolled
1108 at the school shall exceed all other members combined by at least two.

1109 (3) A charter school governing board may serve as the charter trust land council that
1110 prepares a plan for the use of School LAND Trust Program money if the membership of the
1111 charter school governing board meets the requirements of Subsection (2)(b).

1112 (4) (a) Except as provided in Subsection (4)(b), council members who are parents or
1113 guardians of students enrolled at the school shall be elected in accordance with procedures
1114 established by the charter school governing board.

1115 (b) Subsection (4)(a) does not apply to a charter school governing board that serves as
1116 the charter trust land council that prepares a plan for the use of School LAND Trust Program
1117 money.

1118 (5) A parent or guardian of a student enrolled at the school shall serve as chair or
1119 co-chair of a charter trust land council that prepares a plan for the use of School LAND Trust
1120 Program money.

1121 Section 25. Section **53G-7-1206** is enacted to read:

1122 **53G-7-1206. School LAND Trust Program.**

1123 (1) As used in this section:

1124 (a) "Charter agreement" means an agreement made in accordance with Section
1125 53G-5-303 that authorizes the operation of a charter school.

1126 (b) "Charter school authorizer" means the same as that term is defined in Section
1127 53G-5-102.

1128 (c) "Charter trust land council" means a council established by a charter school
1129 governing board under Section 53G-7-1205.

1130 (d) "Council" means a school community council or a charter trust land council.

1131 (e) "District school" means a public school under the control of a local school board
1132 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
1133 Boards.

1134 (f) "School community council" means a council established at a district school in
1135 accordance with Section 53G-7-1202.

1136 (2) There is established the School LAND (Learning And Nurturing Development)
1137 Trust Program under the State Board of Education to:

1138 (a) provide financial resources to public schools to enhance or improve student
1139 academic achievement and implement a component of a district school's school improvement
1140 plan or a charter school's charter agreement; and

1141 (b) involve parents and guardians of a school's students in decision making regarding
1142 the expenditure of School LAND Trust Program money allocated to the school.

1143 (3) To receive an allocation under Section 53F-2-404:

1144 (a) a district school shall have established a school community council in accordance
1145 with Section 53G-7-1202;

1146 (b) a charter school shall have established a charter trust land council in accordance
1147 with Section 53G-7-1205; and

1148 (c) the school's principal shall provide a signed, written assurance that the school is in
1149 compliance with Subsection (3)(a) or (b).

1150 (4) (a) A council shall create a program to use the school's allocation distributed under
1151 Section 53F-2-404 to implement a component of the school's improvement plan or charter
1152 agreement, including:

1153 (i) the school's identified most critical academic needs;
1154 (ii) a recommended course of action to meet the identified academic needs;
1155 (iii) a specific listing of any programs, practices, materials, or equipment that the
1156 school will need to implement a component of its school improvement plan to have a direct
1157 impact on the instruction of students and result in measurable increased student performance;

1158 and

1159 (iv) how the school intends to spend its allocation of funds under this section to
1160 enhance or improve academic excellence at the school.

1161 (b) (i) A council shall create and vote to adopt a plan for the use of School LAND
1162 Trust Program money in a meeting of the council at which a quorum is present.

1163 (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust
1164 Program money, the plan is adopted.

1165 (c) A council shall:

1166 (i) post a plan for the use of School LAND Trust Program money that is adopted in
1167 accordance with Subsection (4)(b) on the School LAND Trust Program website; and

1168 (ii) include with the plan a report noting the number of council members who voted for
1169 or against the approval of the plan and the number of council members who were absent for the
1170 vote.

1171 (d) (i) The local school board of a district school shall approve or disapprove a plan for
1172 the use of School LAND Trust Program money.

1173 (ii) If a local school board disapproves a plan for the use of School LAND Trust
1174 Program money:

1175 (A) the local school board shall provide a written explanation of why the plan was
1176 disapproved and request the school community council who submitted the plan to revise the
1177 plan; and

1178 (B) the school community council shall submit a revised plan in response to a local
1179 school board's request under Subsection (4)(d)(ii)(A).

1180 (iii) Once a plan has been approved by a local school board, a school community
1181 council may amend the plan, subject to a majority vote of the school community council and
1182 local school board approval.

1183 (e) A charter trust land council's plan for the use of School LAND Trust Program
1184 money is subject to approval by the:

1185 (i) charter school governing board; and

1186 (ii) charter school's charter school authorizer.

1187 (5) (a) A district school or charter school shall:

1188 (i) implement the program as approved;

1189 (ii) provide ongoing support for the council's program; and

1190 (iii) meet State Board of Education reporting requirements regarding financial and
1191 performance accountability of the program.

1192 (b) (i) A district school or charter school shall prepare and post an annual report of the
1193 program on the School LAND Trust Program website each fall.

1194 (ii) The report shall detail the use of program funds received by the school under this
1195 section and an assessment of the results obtained from the use of the funds.

1196 (iii) A summary of the report shall be provided to parents or guardians of students
1197 attending the school.

1198 (6) On or before October 1 of each year, a school district shall record the amount of the
1199 program funds distributed to each school under Section [53F-2-404](#) on the School LAND Trust
1200 Program website to assist schools in developing the annual report described in Subsection
1201 (5)(b).

1202 (7) The president or chair of a local school board or charter school governing board
1203 shall ensure that the members of the local school board or charter school governing board are
1204 provided with annual training on the requirements of this section.

1205 (8) (a) The School LAND Trust Program shall provide training to the entities described

1206 in Subsection (8)(b) on:

1207 (i) the School LAND Trust Program; and

1208 (ii) (A) a school community council; or

1209 (B) a charter trust land council.

1210 (b) The School LAND Trust Program shall provide the training to:

1211 (i) a local school board or a charter school governing board;

1212 (ii) a school district or a charter school; and

1213 (iii) a school community council.

1214 (9) The School LAND Trust Program shall annually review each school's compliance
1215 with applicable law, including rules adopted by the State Board of Education, by:

1216 (a) reading each School LAND Trust Program plan submitted; and

1217 (b) reviewing expenditures made from School LAND Trust Program money.

1218 (10) The board shall designate a staff member who administers the School LAND
1219 Trust Program:

1220 (a) to serve as a member of the Land Trusts Protection and Advocacy Committee
1221 created under Section [53D-2-202](#); and

1222 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,
1223 appointed under Section [53D-2-203](#), to attend meetings or events within the School and
1224 Institutional Trust System, as defined in Section [53D-2-102](#), that relate to the School LAND
1225 Trust Program.

1226 Section 26. Section **67-4-1** is amended to read:

1227 **67-4-1. Duties.**

1228 (1) The state treasurer shall:

1229 (a) receive and maintain custody of all state funds;

1230 (b) unless otherwise provided by law, invest all funds delivered into the state treasurer's
1231 custody according to the procedures and requirements of Title 51, Chapter 7, State Money
1232 Management Act;

1233 (c) pay warrants drawn by the Division of Finance as they are presented;

- 1234 (d) return each redeemed warrant to the Division of Finance for purposes of
1235 reconciliation, post-audit, and verification;
- 1236 (e) ensure that state warrants not presented to the state treasurer for payment within one
1237 year from the date of issue, or a shorter period if required by federal regulation or contract, are
1238 canceled and credited to the proper fund;
- 1239 (f) account for all money received and disbursed;
- 1240 (g) keep separate account of the different funds;
- 1241 (h) keep safe all bonds, warrants, and securities delivered into his custody;
- 1242 (i) at the request of either house of the Legislature, or of any legislative committee,
1243 give information in writing as to the condition of the treasury, or upon any subject relating to
1244 the duties of his office;
- 1245 (j) keep the books open at all times for the inspection by the governor, the state auditor,
1246 or any member of the Legislature, or any committee appointed to examine them by either house
1247 of the Legislature;
- 1248 (k) authenticate and validate documents when necessary;
- 1249 (l) adopt a seal and file a description and an impression of it with the Division of
1250 Archives; ~~and~~
- 1251 (m) discharge the duties of a member of all official boards of which he is or may be
1252 made a member by the Constitution or laws of Utah[:]; and
- 1253 (n) oversee and support the advocacy of the Land Trusts Protection and Advocacy
1254 Office, created in Title 53D, Chapter 2, Land Trusts Protection and Advocacy Office.
- 1255 (2) When necessary to perform his duties, the state treasurer may inspect the books,
1256 papers, and accounts of any state entity.
- 1257 (3) The state treasurer may take temporary custody of public funds if ordered by a court
1258 to do so under Subsection [67-3-1](#)(11).
- 1259 **Section 27. Repealer.**
- 1260 This bill repeals:
- 1261 Section [53E-3-514](#), **Creation of School Children's Trust Section -- Duties.**

1262 Section 28. **Effective date.**

1263 This bill takes effect on July 1, 2018.

1264 Section 29. **Coordinating H.B. 404 with H.B. 230 -- Technical amendment.**

1265 If this H.B. 404 and H.B. 230, Related to Basic School Programs Review, both pass and
1266 become law, it is the intent of the Legislature that on July 1, 2018, the Office of Legislative
1267 Research and General Counsel, in preparing the Utah Code database for publication, modify
1268 the reference in Subsection [53F-2-414\(3\)\(l\)](#) from "Section [53F-2-404](#)" to "Sections [53F-2-404](#)
1269 and [53G-7-1206](#)".

1270 Section 30. **Coordinating H.B. 404 with S.B. 12 -- Technical amendment.**

1271 If this H.B. 404 and S.B. 12, Public Education Recodification -- Cross References and
1272 Repeals, both pass and become law, it is the intent of the Legislature that on July 1, 2018, the
1273 amendments to Section [53D-1-403](#) in this bill supersede the amendments to Section [53D-1-403](#)
1274 in S.B. 12 when the Office of Legislative Research and General Counsel prepares the Utah
1275 Code database for publication.

1276 Section 31. **Coordinating H.B. 404 with S.B. 179 -- Technical amendment.**

1277 If this H.B. 404 and S.B. 179, Education Code Modifications, both pass and become
1278 law, it is the intent of the Legislature that on July 1, 2018, the amendments to Section
1279 [53G-7-1202](#) in this bill supersede the amendments to Section [53G-7-1202](#) in S.B. 179 when the
1280 Office of Legislative Research and General Counsel prepares the Utah Code database for
1281 publication.