

Protection and Advocacy Committee Meeting Packet

Tuesday, July 8, 2025; 10 a.m. – 12 p.m.

Anchor Location: 310 S Main St., Suite 1275, Salt Lake City, Utah, 84101

Zoom access:

<https://utah-gov.zoom.us/j/5893447457>

The agenda will be as follows:

- 1) Welcome and call meeting to order
- 2) Chairman's report
- 3) Approval of minutes: April 8, 2025, pages 2-6
- 4) Calendar and confirmation of meeting dates, *page 7*
- 5) Stakeholder and public input
The committee will set aside 15 minutes at the committee meeting to hear from anyone wishing to speak. Each presenter is allowed one opportunity and has up to three (3) minutes for remarks. If joining by Zoom, please use the "raise hand" feature at the bottom of the screen, in order to be called upon to provide comment.
- 6) Trust System reports
 - a) TLAC, Paula Plant
 - b) SITFO, Ryan Kulig, *pages 8-12*
 - c) Trust Lands Administration, Michelle McConkie
 - d) Protection & Advocacy Office
Director Christy is excused from the meeting due to prior commitments and will not be presenting.
 - i) Jessie Stuart
 - (1) Administrative Updates, *pages 13-33*
 - (a) Action Item: Adoption of Proposed Advocacy Office Policies
Memo attached
 - (b) FY 25 Expenditure Review and FY 26 Budget Review
 - (c) Beneficiary Influence and Input to Trustee Rule and Policy
 - (2) Communications & Outreach, *pages 34-35*
 - ii) Liz Mumford
 - (1) Study Group, *pages 36-46*
 - (a) Progress and Updates
 - (b) Governance Structure Discussion and Recommendations
 - (2) Beneficiary Updates, *page 47*
 - (3) Unclaimed Property 75-2-105—Minerals and Mineral Proceeds Pilot Program; *pages 48-50*
- 7) Adjourn

Draft Minutes

Land Trusts Protection & Advocacy Committee

Tuesday, April 8, 2025, 10 a.m. – 12 p.m.

Anchor Location: 310 S Main St., Ste. 1275, Salt Lake City, UT 84101

In-Person Participants:

Richard Ellis, Advocacy Committee Chair
Paula Plant, Advocacy Committee Vice Chair
Louie Cononelos, Advocacy Committee
Roger Barrus, Advocacy Committee
Marlo Oaks, Utah State Treasurer
Kim Christy, Advocacy Office Director
Jessie Stuart, Advocacy Office Assistant Director
Liz Mumford, Advocacy Office Program Manager
Paul Tonks, Assistant Attorney General
Margaret Bird, member of the public

Zoom Participants:

Brad Benz, Advocacy Committee
Peter Madsen, SITFO Director
Michelle McConkie, TLA Director
Marla Kennedy, TLA Director of
Communications
Cindy Lowe, JJYS

1. Call meeting to order

Meeting called to order by Chair Ellis at approximately 10:00 a.m.

2. Chairman's report

Chairman Ellis commended the Advocacy Office efforts during the legislative session, noted the successful annual report, and ongoing work of the Advocacy Office Study Group. Tom Bachtell will be replacing Chris Pieper on the study group as the trust legal expert. Paul Tonks was introduced as the office's new AG replacing Justin Anderson.

3. Approval of minutes

Mr. Cononelos motioned to approve the January 14, 2024, meeting minutes. Ms. Plant seconded. The vote was unanimous in the affirmative.

4. Calendar and confirmation of meeting dates

Upcoming meeting dates for Trust System entities were provided in the public packet. Study group dates are also included in the exhibit.

5. Stakeholder and public input

Margaret Bird expressed appreciation for the work of the office, acknowledging the evolution of the trust and noting that in the early days establishing a clear understanding of fiduciary duty was a considerable challenge. Commented that the work of the Advocacy Office is pioneering the protection and interests of the beneficiaries.

6. Annual GRAMA/OPMA training

Paul Tonks, Assistant AG provided GRAMA and OPMA training for the Advocacy Committee.

7. Trust System reports

Trust Lands Advisory Committee (TLAC) Report:

Ms. Plant reported on the significant growth in School LAND Trust distributions from \$7.4 million in 2003 to \$101.8 million in 2023. Less than a quarter of those funds were spent on school personnel in 2003, 75% of distributions in 2023 supported school personnel. English Language Arts remains the top academic focus, with funding now following students across K–12, particularly to support English Language Learners (ELL).

Mr. Benz inquired if it should be 75% of School Trust distributions that go towards paying for staff or if schools would get a better return on utilizing it on technology. Ms. Plant noted that technology is the second largest expense, and spending is determined per individual school in order to implement the goals they have set.

Mr. Barrus commented that it is the unique and extracurricular and enrichment opportunities at schools that make the biggest impact and believes that school trust funding should not be expected to fill the gaps (i.e. staffing needs) that should be covered through traditional education funding. Ms. Plant noted that it is up to the School Councils on how funds are utilized.

Mr. Cononelos inquired about the portion of public education funding that comes from the school trust funds. It was noted that less than 3% of public education funding is derived from the Trust.

Ms. Plant outlined new procedures to limit carry-over and ensure compliance and that funds are being used on today's students. She also provided updates on the appointment of new TLAC members and shared the committee's priorities for the 2025–2026 year, which include reviewing the code and rules governing the School LAND Trust Program and making recommendations to the Utah State Board of Education (USBE).

The legislature approved funding for the website and one additional staff position for the School Children's Trust (SCT) Office. Ms. Plant also noted that SCT funding is generated from interest accrued in a 'Trust Distribution Account' held by the Utah State Board of Education (USBE) while funds await disbursement to schools. It has recently come to the attention of SCT that the accumulating interest in this account is not being monitored. SCT will be assessing the situation and report back once more information is available. It may require a code change in the event more interests accumulates than is needed to operate the office.

Additionally, Ms. Plant noted that during the legislative review process for HB 483 she provided a fiscal note indicating when the Advocacy Office was created two employees were taken from SCT to fulfill advocacy responsibilities. The funding for two employees was not put into the fiscal note for HB 483 which proposed to repeal the Advocacy Office. Ms Plant noted that it is important to recognize that advocacy for the Trust takes time and people.

SITFO Report:

Mr. Kulig provided an update on the SITFO organizational chart, noting that an offer has been extended to a candidate expected to begin within the next month, along with an offer to fill an intern position. He expressed satisfaction with the quality of talent being attracted to the team.

He also reported that SITFO has remained under budget for the current fiscal year and informed the Advocacy Committee that the office's budget appropriation was approved during the recent legislative session. The SITFO Board voted to retain consultant services from both Albourne and RVK. A performance update on the permanent funds as of February 28, 2025, was presented. The total fund value stands at \$3.8 billion, reflecting a decrease of 0.21 basis points since the last update.

Trust Lands Administration (TLA) Report:

Ms. McConkie reported on the completion of the federal Dingell Act land exchange. TLA traded lands out of sensitive areas while being able to acquire lands that have much better revenue-producing potential exclusively for the benefit of the public schools trust. Ms. McConkie noted a recent visit to Washington, D.C., where a ceremonial signing took place with Secretary Doug Burgum, Governor Cox, and Senator Curtis.

TLA wrote a recent press release regarding an investigation conducted by SITLA law enforcement of an incident of illegal dumping of toxic wastewater near trust lands in Rich County. Ms. McConkie emphasized TLA's commitment to protecting trust resources and how this experience serves as a clear example that such actions do not go without repercussions.

TLA will hold surface land sale auctions in April and June. The agency's revenue for the year is similar to last year at this time with \$95,000 million (\$46 million real estate revenue, \$27 million oil and gas revenue).

Protection & Advocacy Office (Advocacy Office) Report:

180-Day Audit Response:

As part of the audit follow-up process, agencies are required to submit a 180-day audit response. The Advocacy Office submitted a response memo that focused on distribution accountability by beneficiaries, office governance and administration, and study group efforts to generate statutory change.

The audit response requires a status report of implementation of audit recommendations. Most of the audit recommendations for the Advocacy Office are partially implemented, or in progress with many dependent on the outcome and process of the study group. The office anticipates a second follow-up (365-day review) in August from (for?) the auditor's office.

The office has put together a strategic plan utilizing elements that the Advocacy Committee and office have historically put together in other settings. The strategic plan focuses on vision, mission and core values and performance measures of the office.

Chair Ellis commented that the proposed strategic plan would provide a nice framework pending statutory changes in the 2026 legislative session. Mr. Ellis entertained a motion to endorse the strategic plan as the guiding framework for our activities and initiatives pending statutory changes in the 2026 legislative session. Ms. Plant motioned to approve, and Mr. Barrus seconded. The vote was unanimous in the affirmative.

Study Group Updates:

Ms. Mumford provided an update on the Advocacy Study Group, reminding the Advocacy Committee of the study group composition, meeting framework with the anticipated topics to cover and expected deliverables concluding the work of the study group for October. Liz, noted the next meeting is April, 14th, and explained the tentative agenda items.

Beneficiary Subcommittee:

A beneficiary subcommittee was formed to discuss needs as addressed in the audit. The group met three times during the legislative session with engagement from all beneficiary stakeholder groups. The subcommittee interests will be represented by Carl Empey who serves on the study group as the non-public education beneficiary representative.

Beneficiary recommendations for statutory changes as well as proposed distribution accountability requirements were shared with the committee (reference slides 23-24 of the 'Combined Slides' deck found on the Public Notice Website). In addition, a beneficiary survey was conducted which revealed the top 5 most valued services from the Advocacy Office, providing insights on what the office is doing well

and what it can improve upon.

Gap Analysis

A gap analysis was completed by AG Justin Anderson and will be presented at the April 14th study group meeting.

Legal Subcommittee

A legal subcommittee has also be formed to focus on legal dimensions of the Advocacy Office within the Trust System statute and has met three times since January.

Stakeholder Meetings

The office has been engaging with several stakeholder groups (see slide 28 of the 'Combined Slides' deck on the Public Notice Website). Each meeting has provided unique perspectives and valuable feedback on potential adjustments and improvements as we move forward.

SITLA/SITFO Nominating Committee Update:

Ms. Stuart updated the Advocacy Committee that the interviews for SITLA and SITFO Board members have been completed. Two SITFO board nominees have been submitted to Treasurer Oaks for final interviews and selection. Two SITLA Board nominees have been submitted to the Utah Governor's Office for selection and finally senate confirmation.

Policy Handbook:

The office is currently developing a framework for a comprehensive Policy Handbook. While the outcome of the study group and the 2026 Legislative Session remains uncertain, creating a functional framework and relevant policies now will strengthen governance and support consistency in operations. Chair Ellis asked about the need to establish rules for the office. Establishing rules for the office is not necessary with the office's current responsibilities, but could change in the future if the responsibilities to monitor beneficiary distribution spending be added.

Stakeholder Engagement and Communications Update:

Ms. Stuart highlighted the office's opportunity to meet with PTA leadership. PTA is engaged and enthusiastic about continuing to build a strong partnerships as we advocate for the success of the trust together and enhance advocacy efforts. Additional communication projects include an updated Trust System video to be used by SCC's, and added FAQs page to the website.

2025 Legislative Session Debrief

Mr. Christy provided a summary of legislative bills and action relevant to the Trust including HB 483, thanking the Committee and stakeholders for running defense on the portions of the bill that proposed to repeal the Advocacy Office.

The legislature appropriated \$50 M from the Public Education Economic Stabilization Account for the purchase of large land blocks along with ongoing funding from the Wildlife Land and Water Acquisition Account, also to be used for land block acquisitions (related to HB 262 from 2024 session).

HB 51 eliminates the need for Miners Hospital to provide an annual report to the legislature regarding the administration and operation of the Miners' Hospital.

Miners Hospital Beneficiary Update

In the November Natural Resources, Agriculture & Environment Interim Committee the Miners Hospital was tasked to coordinate with the Utah Mining Association to enhance how they can best use distributions and asked to provide recommendations to the interim committee in the May 2025 meeting. The Advocacy Office has been in close contact with Miners Hospital in preparation for the May presentation as well as helped connect Miners Hospital with Rep. Watkins, Senator Hinkins, and Rep. Brooks for preliminary conversations on the matter.

Ms. Bird expressed concern that HB 262 could represent a breach of fiduciary trust. In response, Mr. Christy explained that the bill had undergone thorough review by the Advocacy Office, the TLA, and legal counsel, and had been endorsed by beneficiaries. He clarified that HB 262 does not apply to all large land blocks and that the TLA Board of Trustees is required to review and approve of such sales. He emphasized that the reason the bill had the office's and beneficiaries' support was because it ultimately provides a pathway for monetizing underperforming land assets allowing the proceeds to be invested and yield stronger revenues for beneficiaries.

Adjourn

Ms. Plant moved to adjourn. The vote was unanimous in the affirmative.

Trust System Calendar Dates

This information is provided for the convenience to track key dates and meetings related to the School and Institutional Trust System for the next several months. Dates are subject to change.

Land Trusts Protection and Advocacy Committee

Committee Meetings are typically held the second Tuesday of January, April, July and October at 10am

Tuesday, October 14, 2025	10am-12pm
Tuesday, January 13, 2026	10am-12pm
Tuesday, April 14, 2026	10am-12pm

School and Institutional Trust Lands Administration

Board of Trustee Meetings typically held the third Thursday of every month at 10 am

No Meeting in July	10am-1pm
Thursday, August 21, 2025	10am-1pm
Thursday, September 18, 2025	10am-1pm
Thursday, October 23, 2025	10am-1pm
Thursday, November 21, 2025	10am-1pm

School and Institutional Trust Funds Office (SITFO)

Board of Trustee meetings are typically held the ninth Tuesday after quarter-end at 9am

Tuesday, September 9, 2025	9am-4pm
Thursday, Friday, December 4-5, 2025	SITFO Summit

Trust Lands Advisory Committee (TLAC - Advisory to USBE)

Committee Meetings typically held the third Monday of every month at 12 pm

Monday, August 25, 2025	12pm-2pm
Monday, September 15, 2025	12pm-2pm
Monday, October 20, 2025	12pm-2pm
Monday, November 17, 2025	12pm-2pm

Other Significant Dates

Study Group Meeting at the Capitol	August 11, 2025; 10am-11:30am
Study Group Meeting at the Capitol	September 8, 2025; 10am-11:30am
Study Group Presentation Transportation & Infrastructure Appropriation Subcommittee	October 14, 2025; 1:15 p.m.



Protection & Advocacy Committee Update

Utah School and Institutional Trust Funds Office

Organization Chart

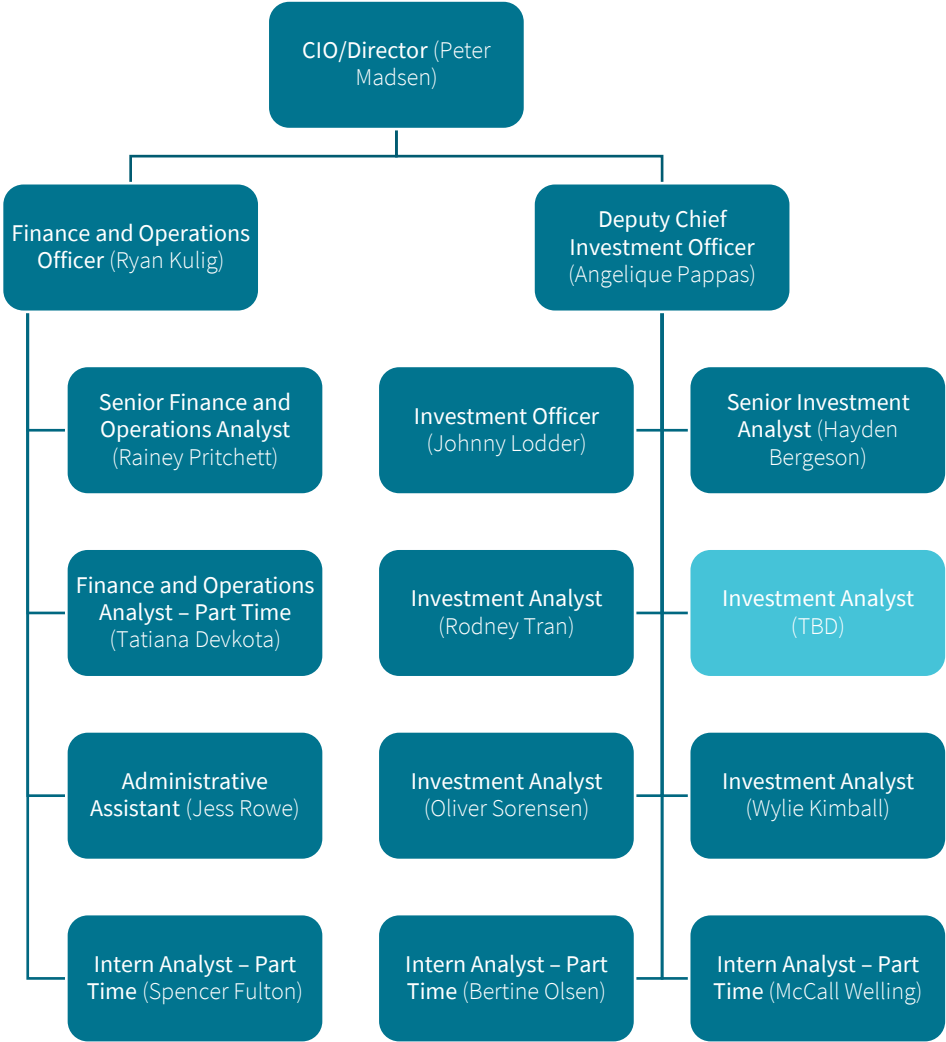


- SITFO Staff
 - Currently consists of 14 persons:
 - 10 full-time
 - 4 part-time
 - Scheduled changes:
 - Potential

Legend



SITFO Staff Org Chart



Board Member	Committee	Term
Marlo Oaks (Chair, Ex-Officio)		Assumed Office: June 2021
David Nixon	Finance Committee	July 2019 – June 2025
David Zucker	Finance Committee	June 2023 – June 2026
Mark Siddoway	Compensation Committee	July 2023 – June 2029
Bong Choi (Vice-chair)	Compensation Committee	July 2024 – June 2030
Rakhi Patel	Finance Committee	July 2025 – June 2031

Denotes recent changes to the board membership

FY25 Budget Q3 & QTD – Summary



Summary	Q1 FY2025			Q2 FY2025			Q3 FY2025			Q4 FY2025			FY2025		
	Forecast	Actuals	Over / (Under)	Forecast	Actuals	Over / (Under)	Forecast	Actuals	Over / (Under)	Forecast	Outlook as of April	Over / (Under)	Forecast	Outlook as of April	Over / (Under)
AA Personnel Services	487,159	462,011	(25,147)	610,254	486,012	(124,243)	725,955	588,843	(137,109)	788,104	712,313	(75,788)	2,611,471	2,249,180	(362,291)
BB Travel/In State	305	160	(146)	305	4,953	4,647	305	5,119	4,814	305	128	(179)	1,220	10,361	9,140
CC Travel/Out of State	40,406	23,903	(16,504)	40,406	24,427	(15,980)	40,406	9,721	(30,686)	40,406	38,876	(1,531)	161,625	96,926	(64,700)
DD Current Expense	88,175	40,994	(47,180)	88,175	69,301	(18,875)	88,175	82,559	(5,619)	88,175	135,507	47,333	352,701	328,361	(24,337)
EE Data Processing Exp	19,317	15,128	(4,189)	19,317	23,540	4,223	19,317	20,395	1,077	19,317	18,238	(1,078)	77,267	77,301	36
GG Capital Expenditure	-	-	-	-	-	-	-	-	-	-	55,500	55,500	-	55,500	55,500
HH Other Charges	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL EXPENSE	635,362	542,197	(93,165)	758,457	608,233	(150,224)	874,159	706,637	(167,522)	936,307	960,562	24,256	3,204,284	2,817,629	(386,655)
BUDGET APPROPRIATION	942,207	942,207	-	1,012,131	1,012,131	-	1,151,977	1,151,977	-	1,235,885	1,235,885	-	4,342,201	4,342,201	-
DIFFERENCE	(306,846)	(400,010)		(253,674)	(403,898)		(277,819)	(445,341)		(299,579)	(275,323)		(1,137,917)	(1,524,572)	

Legend

FY2025: 7/1/2024 - 6/30/2025	Q1FY25: July 1, 2024 - Sept 30, 2024	Q2FY25: Oct 1, 2024 - Dec 31, 2024	Q3FY25: Jan 1, 2025 - March 31, 2025	Q4FY25: Apr 1, 2025 - June 30, 2025
Above/Below Forecast	\$10,000+ Under Forecast	\$5,000-\$9,999 Under Forecast	\$5,000-\$9,999 Above Forecast	\$10,000+ Above Forecast
Budget Appropriation	Budget limit approved by the Legislature			
Forecast	Fixed forecast set at the beginning of the fiscal year to estimate what SITFO intends to spend in each category			
Outlook	Dynamic dollar amount based on expected spend, revisited quarterly to provide more up to date estimates			
Actuals	Amount SITFO spent in each category			

Portfolio Summary

as of April 2025

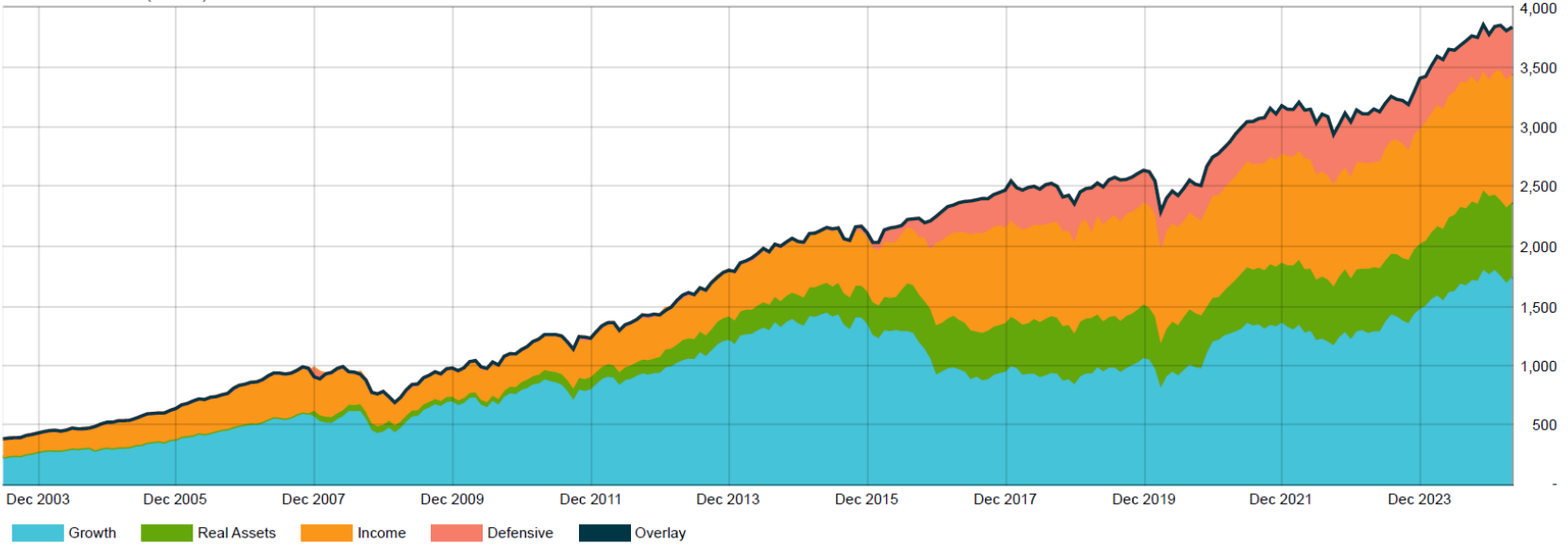
Portfolio Size (\$ mil)

Classification	Sep 2024	Dec 2024	Mar 2025	Apr 2025
Growth	1,722.3	1,771.7	1,699.4	1,749.2
Real Assets	659.5	655.4	632.7	623.2
Income	1,051.0	975.2	1,071.4	1,078.7
Defensive	330.0	372.4	402.4	385.2
Total	3,765.8	3,777.7	3,808.9	3,839.4

Performance (%)

Classification	MTD	QTD	FYTD	3 Year	5 Year (Annual)	Inception Date
Growth	1.2%	1.2%	5.2%	7.3%	13.6%	06/01/2003
Real Assets	-0.7%	-0.7%	4.7%	4.5%	9.4%	12/01/2007
Income	0.7%	0.7%	8.2%	6.6%	7.1%	06/01/2003
Defensive	-2.3%	-2.3%	-4.5%	-1.7%	-2.0%	06/30/2003
Total	0.4%	0.4%	5.0%	5.7%	9.0%	06/01/2003
Total Portfolio Benchmark - Lagged	0.5%	0.5%	4.7%	5.5%	8.8%	06/01/2003

Portfolio Size (\$ mil)



MEMO

Date: 07/03/2025
To: Advocacy Committee
From: Land Trusts Protection & Advocacy Office
Subject: Proposed Policies for Review and Adoption

As discussed in the April 8, 2025 Advocacy Committee meeting, the Advocacy Office is actively developing internal policies to establish clear, consistent guidance in fulfilling the duties of the office.

The proposed policies included in this packet have been reviewed and vetted by the Advocacy Committee leadership Richard Ellis and Paula Plant and Attorney General Paul Tonks.

Below is a summary and key highlights of each proposed policy. Full drafts have been included with the Advocacy Committee meeting packet.

Preface:

- A *Preface* has been written to clarify the purpose and scope of the Policy Handbook in assisting the Advocacy Office in carrying out their assigned responsibilities.
- Clarifies that the handbook does not include all policies and procedures of the State of Utah. Policies may be added, amended, or deleted as the office determines appropriate.

Remote Work Policy:

- The remote work policy provides guidelines for the Advocacy Office employees to work remotely consistent with DHRM policy.
- Employees who work remotely must work in the office at least two days a week. This hybrid work model aims to balance the benefits of remote work with the need for in-person collaboration and interaction.
- When an employee enters into a Remote Work Agreement, they will be provided a laptop and any other necessary computer equipment required to perform their job duties and must adhere to State security standards.

GRAMA Policy:

- Provides procedures for responding to GRAMA requests in compliance with state law.
- Specifies that the office may provide a written estimate of time and cost to the requester prior to fulfilling the request and may charge fees according to 63G-2-203.

Electronic Meeting Policy:

- Establishes standards for conducting electronic Advocacy Committee meetings under the Open and Public Meeting Act.
- Defines when an anchor location is required and when it may be waived due to health or safety concerns.

Beneficiary Communications Policy:

- The Beneficiary Communications Policy guides the Advocacy Office in procedures regarding communication among the trust beneficiaries, the advocacy office and trust entities.
- The policy directs the office to identify and maintain a list of primary contacts for each beneficiary to facilitate orderly communication, but does not preclude the Advocacy Office from contacting additional individuals when needed to fulfill the Office's statutory responsibilities.
- Terms such as "when practical," and "when reasonable," are used in place of strict mandates (e.g., "shall") to provide the Advocacy Office flexibility to act in good faith while acknowledging real-world constraints like timing, resources, or evolving circumstances.
- Includes language to clarify non-disclosure of information to beneficiaries if it is restricted by GRAMA or another applicable statute.
- This policy is specifically focused on communication with trust beneficiaries. Separate policies will be developed to address:
 - Media interactions
 - Advocacy Office interaction with trustees
 - Confidentiality agreements
 - Communication with the Advocacy Committee
- We recommend that matters related to a beneficiary's participation in trustee committee meetings or other non-public meetings remain at the discretion of SITLA and SITFO, not the Advocacy Office.

Please review the proposed policies in advance of the meeting. We welcome your input and look forward to discussing potential adoption.

Advocacy Office recommended motion:

"I move that the Advocacy Committee adopts the new policies and the revisions of existing policies as presented in the exhibit."

LAND TRUSTS PROTECTION AND
ADVOCACY OFFICE
POLICIES AND PROCEDURES

Proposed Policies for Adoption
JULY 8TH 2025

LAND TRUSTS PROTECTION & ADVOCACY OFFICE	
00.01 PREFACE	
EFFECTIVE DATE: <i>pending approval</i>	REVISION DATE:
SUMMARY: THE PURPOSE OF THIS HANDBOOK IS TO SET FORTH THE POLICIES AND PROCEDURES OF THE LAND TRUSTS PROTECTION & ADVOCACY OFFICE.	

The policies and procedures in this manual shall be used by the Land Trusts Protection & Advocacy Office (Advocacy Office, or office) employees in carrying out their assigned responsibilities. This manual does not include all policies and procedures of the State of Utah. Policies may be added, amended, or deleted as the office determines appropriate.

Statewide rules and policies affecting State employees are incorporated by reference in these office policies and procedures.

When office policies are determined to be in conflict with other State or Federal laws or rules, the State or Federal laws or rules shall prevail. Office policies may be more restrictive, but not less restrictive than State or Federal laws or rules.

Failure to follow these policies and procedures may result in disciplinary action up to and including termination.

LAND TRUSTS PROTECTION & ADVOCACY OFFICE 02.06 REMOTE WORK POLICY	
EFFECTIVE DATE: <i>pending approval</i>	REVIEW DATE:
SUMMARY: PROVIDES GUIDELINES FOR ADVOCACY OFFICE EMPLOYEES TO WORK REMOTELY CONSISTENT WITH DHRM POLICY.	

REFERENCES

[Utah Administrative Rule 13-4](#)

[DHRM Telework rule Section R 477-8-2](#)

[Telework Training Resources](#)

[Utah Administrative Rule 13-4.3, 4.4\(7-10\)](#)

[Utah Administrative Rule 895-7 Acceptable Use of Information Technology \(IT\) Resources.](#)

C.03 Remote Work Agreement Form

C.04 Home Use of Advocacy Office Computer Equipment Form

PURPOSE

- This policy is designed to provide the structure needed for effective implementation, operation, and monitoring for employees working remotely. Working remotely requires a mutually beneficial agreement between an employee and the Advocacy Office and will only be approved when the Advocacy Office advocacy director determines that the employee's work can successfully be accomplished remotely. The advocacy director or designee may make exceptions to this policy as allowed by applicable administrative rules and law.

POLICY OBJECTIVES

- The intent of this policy is to increase productivity, decrease commute emissions, help employees balance work and personal responsibilities, thereby enhancing employee satisfaction and well-being, aiding retention, and serving as a draw to potential job applicants.

DEFINITIONS

- **Approved telework work location:** Means an approved work location for an employee participating in an approved remote work plan to work outside of the employee's assigned primary work location. Note: Utah Administrative [Rule 13-4](#) prohibits an employee from working outside Utah state's borders without an approved exception.
- **Primary work location:** Means the physical office location or other office building assigned to an employee's position by management.
- **Remote work plan:** Means that part of an employee's work schedule during which the employee is scheduled for working remotely.

- **Special circumstance day:** Means a day where predicted heavy snowfall or other situations pose a risk to employee safety or employee health as determined by the advocacy director or designee.
- **Teleworking:** Means working from a remote site that is not at the Advocacy Office.
- **Telecommuting:** Means working while commuting to or from the Advocacy Office.
- **Working remotely:** Means telecommuting or teleworking.

POLICY

- Working remotely is an option, not a universal employee benefit or right. The Advocacy Office reserves the right to terminate, rescind, modify, suspend, or deny any employee's remote work agreement at any time for reason(s) identified by management.
- Teleworking is managed by a formal remote work agreement between an employee and the Advocacy Office. An employee's remote work agreement shall include approval from the advocacy director or designee.
- It is the Advocacy Office policy to consider a remote work plan for all eligible positions that would foster enhanced recruitment, retention, efficiencies, and effectiveness in space utilization and overall daily operations. Not all positions may be appropriate for remote work and for some employees, remote work may not be an appropriate work arrangement.
- An employee must complete all telework training as provided by DHRM and annually sign a remote work agreement.
- An employee must have an approved remote work agreement signed by the advocacy director or designee.
- While travelling to and from the Advocacy Office, an employee may telecommute on public transport and count the employee's active work time as part of the employee's work hours.
- Employees who work remotely must work in the office at least two days a week and communicate to their leadership team when they will be in office.
- Employees may be required to work additional in-office days as required by their leadership team.
- Management may require an employee to report to any work location at any time for any reason.

- Remote work privileges will be suspended for an employee who has received a written reprimand, suspension without pay, or performance improvement plan for a minimum of 6 months from the date of the disciplinary action or until successful completion of the performance improvement plan.
- Special circumstance days, as declared by the advocacy director or designee, apply to all employees and supervisors unless their attendance is required to perform essential duties.
- An employee's approved telework location shall be physically located within the state of Utah's borders, unless otherwise approved in accordance with applicable laws, rules, policies, and regulations.
- Employees needing to work remotely from a location other than their approved telework location must have supervisor approval and in accordance with [R13-4.3, 4.4\(7-10\)](#).

CONDITIONS FOR REMOTE WORK

Authorized remote work employees must maintain appropriate conditions to successfully work at their home office or alternate work location, including adherence to the requirements outlined below:

- Maintain safe working conditions at an approved alternate work location and immediately notify the advocacy director of any accident or injury occurring at the employee's approved telework location, other alternate work location, or primary work location.
- Ensure approved alternate work location provides the professional work environment, connectivity, resource access, and security consistent with the work in which the employee is engaged.
- Use approved safeguards to:
 - a. Protect state records from unauthorized disclosure and damage.
 - b. Prevent the release of confidential business information.
 - c. Comply with all requirements set forth by the Advocacy Office and applicable laws, rules, policies, and regulations.
- Procure, maintain, and pay for internet service that will allow the employee to efficiently and effectively accomplish work tasks and immediately address any service or performance-related issues with the internet service (e.g., bandwidth must be sufficient to support having your camera on for video conference calls).
- Minimize the need for office supplies using electronic documentation as much as possible.

- Maintain the agreed upon work schedule as outlined in the remote work plan, and document all work time in accordance with established DHRM time and attendance rules and policies.
 - a. While working remotely, employees must comply with all applicable federal, state, and municipal laws as well as DHRM rules/policies, including those dealing with time reporting and overtime.
 - b. Employees who work remotely must accurately record all hours worked in the payroll system using appropriate codes.
- Maintain effective and regular communication with management, co-workers, or other stakeholders with whom communication is essential for successfully implementing the remote work plan and job performance.
- Comply with Advocacy Office practices pertaining to requesting and obtaining approval for leave, overtime, or any change to the employee's agreed-upon work schedule outlined in the remote work agreement.
- Make all necessary arrangements to remove distractions from the remote work environment during work time. This includes, but is not limited to, arranging for others to provide primary care for children, elders, or other dependents who require care during the agreed upon work schedule, managing visitors to the remote work area, or attending to other personal matters.
- Confidentiality of work-related information must be maintained in the remote work environment in accordance with federal, state, and municipal laws, Advocacy Office policies, Division of Technology Services (DTS), DHRM rules/policies.
- Unauthorized disclosure will subject the employee to penalties provided by law, as well as disciplinary action, up to and including dismissal from employment.
 - a. Security of digital information must comply with DTS rules, policies, and standards.
 - b. Printed/hard copy information must be secured and returned to the Advocacy Office or destroyed based on applicable records retention schedules and practices.
- Employees who work remotely will be required to use state-owned computer equipment and software and adhere to current standards for secure connections to state of Utah IT systems. An employee may not install unauthorized hardware or software on state-owned equipment nor copy or distribute Advocacy Office provided software. All state-issued equipment will be returned to the Advocacy Office at the time an employee's remote work agreement ends or employment terminates. Employees will be referred to the Office of State Debt Collection for the costs associated with non-returned state-owned equipment.
 - a. Employees must secure state-owned equipment and work-related information by locking any device not in immediate use and storing

unused devices in accordance with DTS security requirements and training.

- b. Employees shall exercise reasonable care of state-owned equipment and may be held liable for damage caused by negligence.
- All employees are required to adhere to Rule [R895-7](#) Acceptable Use of Information Technology (IT) Resources.
- All terms and conditions of employment not specifically addressed in this policy remain in effect as if the employee was not working remotely, including but not limited to salary, benefits, leave use, performance standards, etc.

EQUIPMENT

- When an employee enters into a remote work agreement, the Advocacy Office will provide a state-issued laptop and any other necessary computer equipment required to perform their job duties. The employee must also sign the *Home Use of Advocacy Office Computer Equipment Agreement* upon entering the agreement and renew it annually. The Advocacy Office accepts no responsibility for damage or repairs to employee-owned equipment. The Advocacy Office will maintain any equipment it provides to an employee.
- The Advocacy Office will not be responsible for costs associated with the setup of an employee's home office, such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space.
- The Advocacy Office will not reimburse an employee for any personal supplies, equipment, or furniture the employee uses without prior approval.
- The Advocacy Office will supply the employee with appropriate office supplies and equipment as deemed necessary by the employee's supervisor.
- Remote worker's in-home internet service for personal use during non-work hours is not regulated by this policy unless state equipment is being utilized. State-owned equipment is always subject to DTS security and acceptable use standards. Employees in home internet service will not be reimbursable.
- Employees who work remotely shall follow any security policy their division has in place regarding the use of personal equipment for work purposes.

EXCEPTIONS TO POLICY

- **Medical Exception:** Employees with medical needs may contact their assigned HR specialist to seek ADA accommodations. Those who do not qualify for ADA

accommodations may request an exception through the non-medical exception process.

- **Non-Medical Exception:** Employee requests must be submitted to the advocacy director for final determination.
- **Exception Renewal:** All employees with an approved exception must request to renew such exception annually along with their annual remote work agreement unless the ADA accommodation is deemed permanent. If the annual exception request is not submitted, it is assumed the employee will return to the office, following the schedule outlined in their remote work agreement.

This policy does not modify the requirements of laws, rules, or policies regulating state employees' use of public property or funds.

LAND TRUSTS PROTECTION & ADVOCACY OFFICE 03.01 GRAMA REQUESTS	
EFFECTIVE DATE: <i>pending approval</i>	REVISION DATE:
SUMMARY: PROVIDES GUIDELINES FOR ADVOCACY OFFICE EMPLOYEES TO RESPOND TO GRAMA REQUESTS CONSISTENT WITH STATE LAW WHILE BALANCING PUBLIC AND PROTECTED INFORMATION.	

REFERENCES

[UCA Title 63G, Chapter 2 Government Records Access and Management Act](#)
[Open Records Portal](#)
[Utah Public Notice Website](#)

PURPOSE

- To ensure the public has access to information concerning the Advocacy Office's public business while maintaining the right of privacy in relation to confidential data gathered by the office.

POLICY

- All information and records created by the Advocacy Office are available to the public, except as restricted by Utah's Government Access Management Act (GRAMA) or other applicable statute.

REQUEST SUBMISSION

- Individuals desiring a release of information under the Government Records Access and Management Act (GRAMA) shall utilize the [Open Records Portal](#) on the State of Utah archives website. Utilizing this portal will enable the office to promptly respond to requests.
- For records that originate in SITLA, SITFO or other offices or agencies, the requester will be notified to direct their request to the correct agency.
- Requesters may also be directed to the [Utah Public Notice Website](#) or other public platforms if the requested information is already publicly available.

RELEASE OF INFORMATION

- GRAMA requests should be directed to the records officer of the Advocacy Office to conduct a due diligence search and gather any responsive records. The records officer will also make a preliminary determination as to whether the records may be released or whether the records contain confidential, private, or protected information that must be reviewed individually to determine whether release is appropriate in the specific instance.
- The Attorney General's office may advise as requested.

- Once a determination has been made regarding releasable information, the Advocacy Office will release information to the requestor during the statutory timeframe or otherwise respond as required under GRAMA.
- The Advocacy Office will adopt a fee schedule pursuant to [63G-2-203](#).
- The Advocacy Office may provide a written estimate of the anticipated time and associated fees before processing the request. The requester may then confirm to proceed, modify, or withdraw the request.

SPECIAL CIRCUMSTANCES

- The advocacy director and attorney general assigned to represent the Advocacy Office shall be kept apprised of any GRAMA requests that present unique situations or request sensitive information.

MEDIA CONTACTS

- When media representatives contact the Advocacy Office regarding a GRAMA request the representative shall be referred to the Advocacy Office records officer.

LAND TRUSTS PROTECTION & ADVOCACY OFFICE 03.07 ELECTRONIC MEETING POLICY	
EFFECTIVE DATE: <i>pending approval</i>	REVISION DATE:
SUMMARY: PROVIDES GUIDELINES FOR THE ADVOCACY COMMITTEE TO CONDUCT ELECTRONIC MEETINGS IN ACCORDANCE WITH THE OPEN AND PUBLIC MEETING ACT.	

REFERENCES

[UCA, Title 52, Chapter 4, Open and Public Meetings Act](#)

DEFINITIONS

OPMA: Open Public Meetings Act

Anchor Location: The regular physical location where a public body usually holds its meetings. If the usual location isn't available, the anchor location can be another site that is just as accessible to the public.

PURPOSE

- Provides guidelines for the Advocacy Committee to conduct electronic meetings in accordance with OPMA

POLICY

- The Advocacy Committee may conduct electronic meetings in accordance with OPMA
- An anchor location shall be identified for all electronic meetings except in the event that holding the meeting in person would create a serious health or safety risk for those attending, or if the usual meeting place has been officially closed to the public for health or safety reasons.
- Nothing in these policies shall be interpreted to supersede [UCA, Title 52, Chapter 4, Open and Public Meetings Act](#) (OPMA) or any other applicable statute. Any conflict between these policies and any applicable statute shall be resolved in favor of the applicable statute.
- The following requirements shall apply to electronic meetings:
 - a. The notice of the electronic meeting shall identify the anchor location.
 - b. Notice of the electronic meeting shall be provided to all committee members at least 24 hours before the meeting. The notice must include how members may join the meeting electronically to participate and be counted as present, including for quorum purposes.
 - c. Notice of the electronic meeting shall be posted to the public notice website at least 24 hours before the meeting. The notice must include how members of the public may be connected to the electronic meeting and how the public can participate or make public comment where public comment is accepted.

LAND TRUSTS PROTECTION & ADVOCACY OFFICE 07.01 BENEFICIARY COMMUNICATION POLICY	
EFFECTIVE DATE: <i>pending approval</i>	REVISION DATE:
SUMMARY: THE ADVOCACY COMMITTEE ADOPTS THE FOLLOWING POLICIES AND PROCEDURES REGARDING COMMUNICATION AMONG THE TRUST BENEFICIARIES, THE ADVOCACY OFFICE AND THE SCHOOL AND INSTITUTIONAL TRUST AGENCIES.	

PURPOSE

- Each Trust Beneficiary has the important and fundamental right to request and receive certain information. This policy establishes guidelines regarding communication among the trust beneficiaries, the Advocacy Office and the School and Institutional Trust agencies. The Advocacy Committee believes that the Advocacy Office services as a central conduit for noticing and informing trust beneficiaries and coordinating requests for information.

POLICY

COMMUNICATIONS BETWEEN THE ADVOCACY OFFICE AND TRUST BENEFICIARIES:

- The Advocacy Office will use reasonable efforts to identify and maintain a list of primary contacts for each trust beneficiary to facilitate orderly communications, advocacy and reporting. Each primary contact will help guide and determine the manner and extent of delivering information within their beneficiary institution.
- This policy does not preclude the Advocacy Office from contacting additional stakeholders, representatives, or individuals with each trust beneficiary as needed to fulfill its statutory roles and responsibilities related to communication, advocacy, and reporting.

REGULAR ADVOCACY OFFICE COMMUNICATIONS

- To maintain transparency, coordination, and information sharing, the Advocacy Office will engage in routine communication with trust beneficiaries through the following channels:
 - a. Legislative Updates: Consistent with 53D-2-203 (5)(m), the Advocacy Office shall confer with the primary contacts with each beneficiary, as needed or requested, prior to and during the legislative session to inform, plan and coordinate any actions or positions with respect to legislation impacting the Trust Agencies and management of their trust assets.
 - b. Annual Distribution Notifications

- c. Transactional Updates
- d. Quarterly Reporting
- e. Annual Meetings

BENEFICIARY REQUESTS FOR INFORMATION

- The Advocacy Committee recommends Trust Beneficiaries request all desired information and/or reports from the Advocacy Office or include the Advocacy Office on communication that is directed to the Trustees.
- The advocacy director will coordinate with the trustee director(s) to determine appropriate contacts within their agency to address specific type of requests.
- Upon a request for information by a beneficiary to the Advocacy Office regarding the School and Institutional Trust, the Advocacy Office will provide such information in its possession within a reasonable time or request the same from SITLA and/or SITFO, as applicable, and provide such information to the requesting Trust Beneficiary within a reasonable time after receipt of the same.

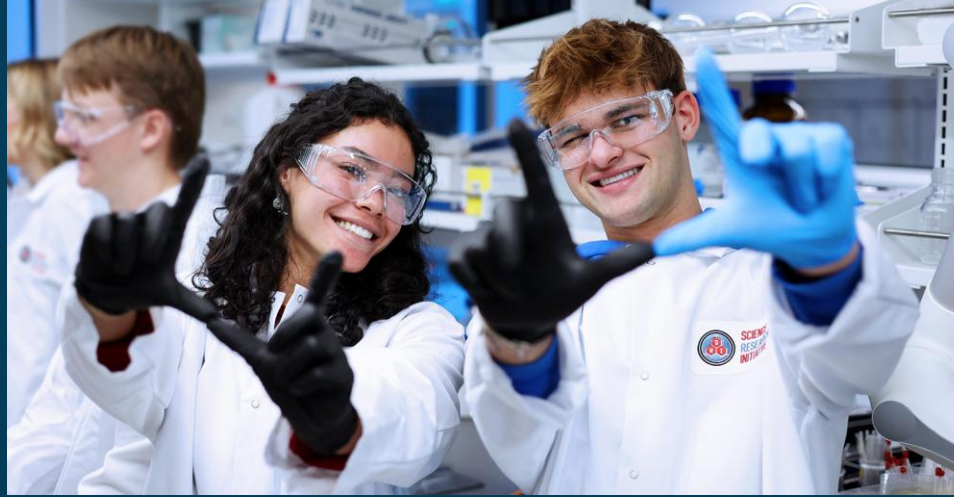
BENEFICIARY REPRESENTATION IN MEETINGS

Consistent with 53D-2-203(5)(l) the Advocacy Director is authorized to speak on behalf of trust beneficiaries. This representation may occur at School and Institutional Trust Lands Administration meetings, School and Institutional Trust Fund Office meetings, and with the media.

- Public Meetings of the Trustee Boards
 - a. Prior to any public meeting where a trust beneficiary's beneficial interest will be substantially and directly impacted, the Protection & Advocacy Office shall make reasonable efforts to provide the primary contact with each trust beneficiary the opportunity to meet with the Advocacy Office to review the meeting agenda and discuss relevant and related items with reasonably advanced notice
 - b. When practical the Advocacy Office will present any information, opinions and/or positions of each trust beneficiary shared by such trust beneficiary with the Advocacy Office directly with the agency or when appropriate at the public meeting scheduled for such topic, in accordance with recognized trust principles and the Advocacy Office's fiduciary duties to the trust beneficiaries.
 - c. Following any such public meeting, the Advocacy Office shall follow up with any trust beneficiary whose interests were substantially and directly impacted to review the outcome of relevant agenda items.
 - d. On a quarterly basis, the Advocacy Office shall provide each trust beneficiary with a summary of board actions that directly impacted their beneficial interests.

- Other Trust System Meetings
 - a. Section 53D-2-203(4) grants express permission to the Advocacy Office Director to attend any presentation, discussion, meeting or other gathering related to the School and Institutional Trust.
 - b. If reasonable prior to any non-public meeting where a trust beneficiary's beneficial interest will be substantially and directly impacted, the Advocacy Office shall inform each affected trust beneficiary of the meeting and, upon request, meet with the beneficiary to review the meeting agenda and discuss relevant and related items.
 - c. As appropriate the Advocacy Office will present any information, opinions and/or positions of each trust beneficiary shared by such trust beneficiary with the Advocacy Office at the non-public meeting scheduled for such topic.
 - d. As soon as reasonably practicable after a non-public meeting, the Advocacy Office will inform each affected trust beneficiary of any action or information shared that has a direct and substantial impact on that beneficiary's interests, unless disclosure is restricted by GRAMA or other applicable statute.

- Advocacy Office and Beneficiary Feedback in Trustee Board Committee Meetings
 - a. Upon receiving a board committee meeting agenda, the Advocacy Director shall review the agenda and may offer feedback or recommendations based on the director's analysis, input from the Advocacy Committee, and/or input received from trust beneficiaries.
 - b. In accordance with the communication process outlined in this policy, the Advocacy Director may:
 - i. Share feedback with trust agency staff, where practicable with advanced notice of the meeting.
 - ii. Communicate concerns with trustee(s), and or raise them during the board committee meeting.
 - iii. Present concerns in the public board meeting, consistent with the procedures described above for public meetings.
 - c. The Advocacy Office will document recommendations in the office meeting tracker and may identify patterns or issues that need further attention.
 - d. The director may advance recommendations to the Advocacy Committee for further consideration and potential action. The Advocacy Committee may:
 - iv. Formalize recommendation of action
 - v. Adopt a resolution
 - vi. Initiate direct communication between Advocacy Committee chair and trustee board chair.





Utah Land Trusts
Protection &
Advocacy Office

Advocacy Committee

July 8th
2025

Estimated FY 25 Expenditure Review

FY2025			
EXPENSE NAME	FY 25 BUDGET	ACTUAL EXPENSES	BALANCE
PERSONNEL: SALARY, WAGES, BENEFITS			
TOTAL	\$ 468,500.00	\$ 544,462.20	\$ (75,962.20)
TRAVEL/IN STATE			
TOTAL	\$ 8,900.00	\$ 5,751.39	\$ 3,148.61
TRAVEL/OUT OF STATE			
TOTAL	\$ 13,100.00	\$ 2,003.03	\$ 11,096.97
COMMUNICATIONS & MEDIA			
TOTAL	\$ 74,800.00	\$ 52,923.33	\$ 21,876.67
OFFICE EXPENSES			
TOTAL	\$ 121,600.00	\$ 87,582.03	\$ 34,017.97
DEPT. OF TECHNOLOGY & DATA PROCESSING			
TOTAL	\$ 21,700.00	\$ 12,940.13	\$ 8,759.87
FY2025 TOTAL	\$ 708,600.00	\$ 705,662.11	\$ 2,937.89



Projected FY 26 Budget Review

FY2026 BUDGET	
EXPENSE NAME	
PERSONNEL SERVICES	
TOTAL	\$ 537,300.00
TRAVEL/IN STATE	
TOTAL	\$ 8,900.00
TRAVEL/OUT OF STATE	
TOTAL	\$ 13,100.00
COMMUNICATIONS & MEDIA	
TOTAL	\$ 22,100.00
OFFICE EXPENSES	
TOTAL	\$ 105,500.00
DEPT. OF TECHNOLOGY & DATA PROCESSING	
TOTAL	\$ 11,200.00
FY2026 TOTAL	\$ 698,100.00



Beneficiary Influence and Input to Trustee Rule and Policy

- SITLA recently approved a rule on Sale/Lease of Large Land Blocks
- The Advocacy Office was supportive of the sale and lease rule amendments
- Appreciates SITLA's responsiveness to input on behalf of beneficiaries during the drafting process.

Reviewed proposals through the lens of beneficiary interests

Informed and invited feedback and input from beneficiaries

Shared feedback with trust agency staff

Feedback and input received and incorporated into drafts

Review of drafts and opportunity to share any additional concerns

Opportunity to express support in Trustee Board meeting.

Inform Beneficiary of results



Communications & Outreach



- PTA Leadership Convention
May 7-8
- Show Up for Teachers
July 10
- Canyons School District New Teacher Event
August 4



Trust Overview Video

- Website
- SCC and Charter Trust Land Council Training
- Outreach and Communications
- Utah PTA Newsletter
- Advocacy Office Quarterly Newsletter



STATUTORY REVIEW OF 53D-2



Trust System Beneficiary Advocacy Study Group

FACILITATED BY THE ADVOCACY OFFICE STAFF

PAST MEETING OUTCOMES | MAY 2025

Senator Derrin Owens

- Summarized that the study group has collectively indicated a desire to move forward to refining statute for an independent office.

Representative Jefferson Burton

- Would like to see how code changes address the audit or why the office disagrees with an audit recommendation.
- Would like to see a code that strengthens, empowers, and clearly defines the role of the office and committee.

Mr. Tom Bachtell

- Recommended that redlines to the statute would be the best mechanism to present substantive changes for the group to review.

PAST MEETING OUTCOMES | JUNE 2025

THE LEGAL SUBGROUP PREPARED STATUTORY RECOMMENDATIONS FOR THE FULL STUDY GROUP IN THE FORM OF A REDLINED DRAFT OF THE CURRENT CODE.

Trust Legal Expert
Tom Bachtell

SITLA Board Chair
Warren Peterson

Asst. Attorney General
Paul Tonks

SITLA General Counsel
Mike Johnson

5 OFFICIAL
MEETINGS

15+
DRAFTS

WORKING
REDLINE

CORRELATION TO AUDIT RECOMMENDATIONS

NEW SECTION IN
CODE +RULES

Recommendation 1.1 Legislature

Consider creating guidelines for institutional beneficiaries on how they can use their distributions.

NEW SECTION IN
CODE +RULES

Recommendation 1.2 Legislature

Consider requiring institutional beneficiaries to develop spending plans and year end summaries and post these plans publicly.

REVISED ROLES &
DUTIES IN CODE

Recommendation 2.1 Legislature

Consider clarifying the Land Trusts Protection and Advocacy Office's review and protection responsibilities and role in the trust system.

NEW SECTION IN
CODE +RULES

Recommendation 2.2 Legislature

Consider including non-public education beneficiary distribution review in the Land Trusts Protection and Advocacy Office's statute.

ADMINISTRATIVE
CHANGES

Recommendation 2.3 LTPAO

Develop stronger governance by implementing all of the strategic plan elements and demonstrating their effectiveness through improved outcomes.

ADMINISTRATIVE
CHANGES

Recommendation 2.4 LTPAO

Develop, implement, and demonstrate effectiveness of administrative rules and policies that help to implement its statutory mandate.

DRAFT 53D-2 | STRUCTURAL CHANGES

Office Retitled

The office title is changed to **Trust Beneficiary Advocacy Office** throughout the chapter.

- Puts the focus on beneficiaries
- Maintains established references to the Advocacy Office.
- Preserves a connection to the trust.
- Reduces confusion about lands and protection.

Sections Updated

Sections and subsections are restructured and retitled to create more clarity.

- Definitions enhanced
- Purpose/authority/office roles refined
- Shared governance outlined
- Director duties clarified
- Distribution accountability added

Governance Refined

Oversight responsibilities and shared governance between the Advocacy Council and the Treasurer’s Office are clarified.

The current Advocacy Committee is restructured to become the Advocacy Council in alignment with their advisory role.

Beneficiary representation and expertise on the Advocacy Council is enhanced by expanding to seven members.

- (1) Institutional Beneficiary appointment
- (1) Flexible appointment

DRAFT 53D-2 | FOCUS ON PURPOSE AND ROLE

Clarified Purpose

The Advocacy Office purpose is to serve as the representative of the trust beneficiaries, to advocate for their interests and rights.

The authority and responsibility to conduct this work is delegated by the State of Utah.

Emphasis on Beneficiaries

Sections are updated with a strong emphasis on beneficiaries.

New elements include:

- A list of the trusts and the principal liaisons for their respective organizations
- Beneficiary interests
- Beneficiary rights
- Undivided loyalty of the office to the beneficiaries

Better Defined Roles

Existing language is reformatted and enhanced to better reflect the purpose of the office and to align with the gap analysis from the Attorney General’s Office.

Responsibilities correspond with the roles to:

- Represent
- Advocate
- Advise
- Safeguard & Protect

Articulates that the Advocacy Office has no veto authority.

DRAFT 53D-2 | CLARIFICATIONS

OPMA: Closed Meetings

The Advocacy Council may close meetings for purposes which correspond with the closed meetings of the SITLA and SITFO Boards.

Communication Between Governing Bodies

The Advocacy Council Chair may confer with the Board Chairs of SITLA and SITFO as needed.

GRAMA: Protected Records

The Advocacy Office follows the Government Records Access and Management Act.

Provisions address confidentiality and sharing of records between agencies.

Rulemaking

Rulemaking authority is given to the Advocacy Council.

Administrative rules will be drafted by the Advocacy Director in consultation with the State Treasurer.

Rules will be adopted by Advocacy Council in accordance with the Utah Administrative Rulemaking Act.

DRAFT 53D-2 | DISTRIBUTION ACCOUNTABILITY

Insitutional Beneficiaries

Requirements for the management, use, and reporting of distributions are based on the audit recommendations and the outcomes of the beneficiary subcommittee.

Advocacy Office

The Advocacy Office will establish rules to monitor, review, and advise the institutional beneficiaries on the accountability requirements.

Other Entities

The State Auditor is identified as the referral option for instances of recurring noncompliance, in addition to fraud, waste, or abuse.

The State Treasurer is authorized to reduce distributions under certain conditions.

DRAFT 53D-2 | CLARIFIED RESPONSIBILITIES

Director Duties

Director duties are consolidated in one section.

- Formulate protocols in cooperation with other trust agencies to facilitate effective and efficient services for beneficiaries.
- Serve as a central conduit of beneficiary communication within the trust system.
- Attend trust meetings and speak on behalf of beneficiaries.
- Facilitate dispute resolution for beneficiaries on trust matters.
- Develop and conduct annual training on trust principles for the Advocacy Council and staff.
- Monitor and review the use of trust distributions.
- Report annually to summarize beneficiary assets and distribution accountability.
- Facilitate an objective nomination process for open positions on the trustee boards of SITLA and SITFO.

DRAFTING IMPACT ON OTHER STATUTES

Title
References

Update all references to the Advocacy Office in other statutes.

SITLA
53C

- Revise the definition of the Primary Representative.
- Update nominating committee composition.
- Permit reciprocal participation in annual performance reviews and hiring decisions .

SITFO
53D-1

- Adjust the reporting requirement to Community Councils.
- Update nominating committee composition.
- Strike 53C-1-401(5) Petition to remove the director.
- Permit reciprocal participation in annual performance reviews and hiring decisions.

STUDY GROUP NEXT STEPS

July



No meeting

Continue drafting with the legal subgroup.

August



Study Group

Review draft from legal subgroup,

Consider endorsement of final draft.

September



Tentative meeting

Address revisions if needed.

Consider sponsorship to formalize a bill file.

October



No meeting

Report to Transportation & Infrastructure Appropriations Subcommittee.

Consider pursuit of an interim committee endorsement.

BENEFICIARY UPDATES



**Utah Land Trusts
Protection &
Advocacy Office**

COLLEGES OF EDUCATION

UTAH STATE UNIVERSITY

COLLEGE OF MINES & EARTH SCIENCES

MINERS HOSPITAL

PUBLIC SCHOOLS

UTAH SCHOOLS FOR THE DEAF & BLIND

Utah Code 75-1-105



EXPLORING A PILOT PROGRAM TO REVIEW COMPLIANCE &
REVENUE POTENTIAL OF UNCLAIMED MINERALS AND PROCEEDS

BENEFICIARY: **PUBLIC SCHOOLS**

KEY PLAYERS:

OFFICE OF THE STATE TREASURER:
UNCLAIMED PROPERTY DIVISION

TRUST LANDS ADMINISTRATION

ADVOCACY AND PROTECTION OFFICE

INDUSTRY AND LEGAL EXPERTS

Effective 7/1/2024

75-2-105 No taker -- Minerals and mineral proceeds.

- (1) As used in this section:
 - (a) "Mineral" means the same as that term is defined in Section 67-4a-102.
 - (b) "Mineral proceeds" means the same as that term is defined in Section 67-4a-102.
 - (c) "Operator" means the same as that term is defined in Section 40-6-2, 40-8-4, or 40-10-3, and includes any other person holding mineral proceeds of an owner.
 - (d) "Owner" means the same as that term is defined in Section 38-10-101, 40-6-2, or 40-8-4.
 - (e) "Payor" means the same as that term is defined in Section 40-6-2, and includes a person who undertakes or has a legal obligation to distribute any mineral proceeds.
- (2) If there is no taker under this chapter, the intestate estate passes upon the decedent's death to the state for the benefit of the permanent state school fund.
- (3) When minerals or mineral proceeds pass to the state pursuant to Subsection (2), the Utah School and Institutional Trust Lands Administration shall administer the interests in the minerals or mineral proceeds for the support of the common schools pursuant to Sections 53C-1-102 and 53C-1-302, but may exercise its discretion to abandon or decline to administer property of no value or of insufficient value to justify its collection or continued administration.
- (4)
 - (a) If a probate or other proceeding has not adjudicated the state's rights under Subsection (2), the state, and the Utah School and Institutional Trust Lands Administration with respect to any minerals or mineral proceeds referenced in Subsection (3), may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to quiet title the minerals, mineral proceeds, or property.
 - (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the state or the Utah School and Institutional Trust Lands Administration, shall bring an action described in Subsection (4) (a) in the county in which the property related to the minerals or mineral process is located if the action is brought in the district court.
- (5) In an action brought under Subsection (4), the court shall quiet title to the minerals, mineral proceeds, or property in the state if:
 - (a) no interested person appears in the action and demonstrates entitlement to the minerals, mineral proceeds, or property after notice has been given pursuant to Section 78B-6-1303 and in the manner described in Section 75-1-401; and
 - (b) the requirements of Section 78B-6-1315 are met.
- (6)
 - (a) If an operator, owner, or payor determines that minerals or mineral proceeds form part of a decedent's intestate estate, and has not located an heir of the decedent, the operator, owner, or payor shall submit to the Utah School and Institutional Trust Lands Administration the information in the operator's, owner's, or payor's possession concerning the identity of the decedent, the results of a good faith search for heirs specified in Section 75-2-103, the property interest from which the minerals or mineral proceeds derive, and any potential heir.
 - (b) The operator, owner, or payor shall submit the information described in Subsection (6)(a) within 180 days of acquiring the information.

Amended by Chapter 158, 2024 General Session

STRATEGIC PLANNING

Mission Statement



THE ADVOCACY OFFICE ADVANCES THE RIGHTS AND INTERESTS OF THE TRUST BENEFICIARIES THROUGH ACCOUNTABILITY, RELATIONSHIP BUILDING, INFORMATION SHARING, & ADVOCACY.

Representing
and serving
trust
beneficiaries

Implementing
FY2026
Performance
Measures

Operating
within budget,
no planned
requests

Instituting
robust new
policies &
procedures

Applying audit
recommendations
& Study Group
feedback