

# Land Trusts Protection and Advocacy Office Amendments

Sponsors: Sen. Derrin Owens & Rep. Jefferson Burton

SB43 clarifies the authority, purpose, and duties of the Advocacy Office and creates accountability requirements for trust distributions to institutional beneficiaries in UT Code § 53D-2.

SB43 is based on outcomes from a study group established by the legislature to address findings and recommendations about the Advocacy Office in the 2024 OLAG Trust System audit.

## A COMPREHENSIVE STATUTORY REMEDY TO THE 2024 TRUST SYSTEM AUDIT:

### Audit Recommendations to the Legislature:

**1.1** Consider creating guidelines on trust distribution use for institutional beneficiaries.

*Resolved on lines 843-850*

**1.2** Consider requiring beneficiary spending plans & publicly noticed year end summaries.

*Resolved on lines 851-855*

**2.1** Consider clarifying the Advocacy Office responsibilities and role.

*Resolved on lines 498-501, 549-577*

**2.2** Consider adding institutional beneficiary distribution review to Advocacy Office.

*Resolved on lines 783-784, 861-863*

\*Other audit recommendations have been addressed administratively.

## BILL SUPPORT

### Unanimous support of the Legislative Study Group

- Sen. Derrin R. Owens, Senate Co-Chair
- Rep. Jefferson S. Burton, House Co-Chair
- Warren Petersen, Past SITLA Board Chair
- Marlo Oaks, State Treasurer & SITFO Board Chair
- Richard Ellis, Advocacy Committee Chair
- Joseph Jenkins, USU Director of Real Property
- Dr. Cade Douglas, Sevier District Superintendent
- Rich K. Nye, Governor's Senior Education Advisor
- Tom Bachtell, Trust Law Attorney

### Full engagement of the Trust Beneficiary Institutions.

**Adopted as a Committee Bill** by the Natural Resources, Agriculture, and Environment Interim Committee, November 2025.

**Endorsed by** the JLC of the Utah School Boards & Superintendents Associations, the Utah PTA, and other trust advocacy stakeholders.

## KEY ELEMENTS OF THE BILL

**Re-titles & clarifies the authority and purpose of the Advocacy Office** as an agent to represent, advise, safeguard, and advocate for current and future trust beneficiaries.

**Centrally lists the trust beneficiaries**, assigns authorized liaisons, and articulates their rights and interests.

**Creates more accountability for distributions to institutional beneficiaries** by requiring spending plans, accounting standards, and reporting.

**Establishes shared governance and oversight** of the Advocacy Office between the State Treasurer and a seven member advisory council responsible for strategic planning and rulemaking.

### Refines the director's role and responsibilities:

- Clarifies qualifications, at-will nature of the position, and removal process.
- Revised duties include: distribution monitoring, dispute resolution, notification, protocols and training development, and accountability.

**Strengthens the Trust** by clarifying interactions in the system with intentional checks and balances. Improves the process and composition for the nominating committees of the trustee boards.



**NO FISCAL NOTE.  
NO FTE INCREASE.  
NO TAXPAYER COST.**