

School and Institutional Trust Lands Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: Derrin R. Owens

LONG TITLE

~~§~~ [Committee Note:

~~The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.~~

Legislative Vote: 14 voting for 0 voting against 5 absent] ~~§~~

General Description:

This bill addresses the preservation of a culturally or scientifically significant site on school and institutional trust lands.

Highlighted Provisions:

This bill:

- defines terms;
- creates a process for a ~~§~~ **qualified** ~~§~~ county to nominate a culturally or scientifically significant site located on school and institutional trust lands (trust lands) for potential preservation;
- establishes requirements for the nomination of a proposed culturally or scientifically significant site;
- requires the director of the School and Institutional Trust Lands Administration (administration) to:
 - notify a county with trust lands of the opportunity to nominate a culturally or scientifically significant site;
 - approve a nomination for a culturally or scientifically significant site if the director determines that the nomination is consistent with the established requirements; and
 - maintain and periodically review a list of approved culturally or scientifically significant sites;
- allows the director of the administration to:
 - reject a nomination if the director determines the nomination is inconsistent with the established requirements; and
 - consider a preservation measure if the culturally or scientifically significant site is at

30 risk; and
31 ▸ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 ENACTS:

- 38 **53C-4-401**, Utah Code Annotated 1953
- 39 **53C-4-402**, Utah Code Annotated 1953
- 40 **53C-4-403**, Utah Code Annotated 1953
- 41 **53C-4-404**, Utah Code Annotated 1953
- 42 **53C-4-405**, Utah Code Annotated 1953

43

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

45 Section 1. Section **53C-4-401** is enacted to read:

46 **Part 4. Culturally or Scientifically Significant Sites**

47 **53C-4-401 . Definitions.**

48 As used in this part:

- 49 (1) "County legislative body" means a legislative body of a county government described in
50 Title 17, Chapter 52a, Part 2, Forms of County Government.
- 51 (2) "Culturally or scientifically significant site" means a site, structure, or natural feature:
52 (a) located on trust lands;
53 (b) containing archaeological, cultural, historical, paleontological, or scientific
54 significance; and
55 (c) approved and listed by the administration under Section 53C-4-404.
- 56 (3) "Nomination" means the process for nominating a proposed culturally or scientifically
57 significant site described in Subsection 53C-4-402(1).
- 58 (4) "Qualified county" means a county $\hat{\$}$: $\leftarrow \hat{\$}$
58a $\hat{\$}$ (a) of the fourth, fifth, or sixth class, as described in Section 17-60-104; and
58b (b) $\leftarrow \hat{\$}$ that has trust lands located within the county's
59 jurisdictional boundaries.

60 Section 2. Section **53C-4-402** is enacted to read:

53C-4-402 . Nomination of a culturally or scientifically significant site --**Notification -- Scope.**

- (1)(a) A county legislative body of a qualified county may nominate a proposed culturally or scientifically significant site within the qualified county's jurisdictional boundaries for the director to approve as a culturally or scientifically significant site.
- (b) To nominate a proposed culturally or scientifically significant site, a county legislative body shall submit the nomination:
- (i) in accordance with the requirements described in Section 53C-4-403; and
- (ii) in a form and manner determined by the director.
- (2)(a) Before January 1, 2027, the director shall notify, by certified mail, the county legislative body of each qualified county of the opportunity to nominate a proposed culturally or scientifically significant site.
- (b) The director's notification shall include:
- (i) a physical map or link to an electronic map depicting trust lands located within the qualified county's jurisdictional boundaries; and
- (ii) information about the requirements and procedure for submitting a nomination to the administration.
- (3) Nothing in this part is intended to supersede, replace, or otherwise affect the provisions of Title 9, Chapter 8a, State Historic Preservation Office.

Section 3. Section **53C-4-403** is enacted to read:

53C-4-403 . Nomination requirements -- Excluded lands.

- (1) A nomination of a proposed culturally or scientifically significant site shall include:
- (a) a map or legal description of the proposed culturally or scientifically significant site with sufficient detail to document the location and acreage of the site;
- (b) the county legislative body's rationale for deeming the location a culturally or scientifically significant site, including evidence regarding the cultural or scientific significance of the site;
- (c) documentation of the public notification and consultation process used by the county legislative body to gather input from county residents and stakeholders;
- (d) a copy of a resolution adopted by the county legislative body expressing the county legislative body's support for the nomination; and
- (e) a proposal by the county legislative body for how to preserve the site, including by purchase, exchange, conservation easement, or other preservation measure.
- (2) A proposed culturally or scientifically significant site may not:

- 95 (a) exceed either:
96 (i) the smallest area necessary for the proper care, management, and conservation of
97 the site; or
98 (ii) 640 acres; or
99 (b) include lands containing:
100 (i) deposits of coal, oil, gas, or other hydrocarbon resources;
101 (ii) mineral resources; or
102 (iii) geothermal resources.

103 (3) A county legislative body may submit a nomination no later than 24 months after the
104 day the county legislative body receives the director's notification described in
105 Subsection 53C-4-402(2).

106 (4) Except for the resubmission requirement described in Subsection 53C-4-404(1)(d), a
107 county legislative body may not submit more than two nominations.

108 Section 4. Section **53C-4-404** is enacted to read:

109 **53C-4-404 . Review by director -- List of approved culturally or scientifically**
110 **significant sites.**

111 (1)(a) The director shall approve or reject a nomination no later than 180 days after the
112 day on which the director receives the nomination.

113 (b) The director shall approve a nomination that the director determines is consistent
114 with the requirements described in Section 53C-4-403.

115 (c) The director may reject a nomination that the director determines, in the director's
116 sole discretion, is inconsistent with the requirements described in Section 53C-4-403.

117 (d) Notwithstanding Subsections 53C-4-403(3) and (4), if the director rejects a
118 nomination, the director shall allow the county legislative body that submitted the
119 nomination a reasonable amount of time to:

120 (i) resolve a deficiency in the nomination; and

121 (ii) resubmit the nomination.

122 (2)(a) The director shall maintain a list of approved nominations.

123 (b) The director shall review the list periodically to:

124 (i) ensure the nomination requirements described in Section 53C-4-403 are adequate
125 to identify a culturally or scientifically significant site; and

126 (ii) recommend that the Legislature modify or add a nomination requirement, as
127 needed.

128 Section 5. Section **53C-4-405** is enacted to read:

129 **53C-4-405 . Preservation measures.**

- 130 (1) If the director determines that an imminent action might result in a change to the
131 character of a culturally or scientifically significant site, the director may:
- 132 (a) consult with the county legislative body that nominated the site to determine the
133 county legislative body's interest in preserving the site through purchase, exchange,
134 conservation easement, or other preservation measure;
 - 135 (b) consider potential effects to the site when planning development or other activities
136 on the site; or
 - 137 (c) restrict or modify a development plan or other activity to preserve the site, when
138 commercially feasible, which may include:
 - 139 (i) notifying prospective developers, lessees, or purchasers of the site before leasing,
140 selling, or permitting a development activity;
 - 141 (ii) utilizing a deed restriction or protective covenant; or
 - 142 (iii) other preservation measures that the director deems appropriate.
- 143 (2) The director may not take an action under this section that is inconsistent with
144 Subsection 53C-1-102(2).

145 **Section 6. Effective Date.**

146 This bill takes effect on May 6, 2026.