

**Superseded 5/13/2014**

**51-9-504 Utah Navajo royalties and related issues.**

- (1)
- (a) Notwithstanding Title 63, Chapter 88, Navajo Trust Fund, repealed July 1, 2008, and except as provided in Subsection (7), the following are subject to this Subsection (1):
    - (i) the repealed board of trustees;
    - (ii) the repealed trust administrator;
    - (iii) an employee or agent of the repealed Navajo Trust Fund; or
    - (iv) the repealed Dineh Committee.
  - (b) The repealed board of trustees may not:
    - (i) beginning on March 17, 2008, take an action that imposes or may impose a liability or obligation described in Subsection (1)(d) that is:
      - (A) anticipated to be completed on or after January 1, 2010; or
      - (B) equal to or greater than \$100,000; or
    - (ii) on or after May 5, 2008, take an action that imposes or may impose a liability or obligation described in Subsection (1)(d).
  - (c) On or after March 17, 2008, a person described in Subsections (1)(a)(ii) through (iv) may not take an action that imposes or may impose a liability or obligation described in Subsection (1)(d).
  - (d) Subsection (1)(b) applies to a liability or obligation on:
    - (i) the repealed Navajo Trust Fund;
    - (ii) the Navajo Revitalization Fund created under Title 35A, Chapter 8, Part 17, Navajo Revitalization Fund Act;
    - (iii) the state; or
    - (iv) any of the following related to an entity described in this Subsection (1)(d):
      - (A) a department;
      - (B) a division;
      - (C) an office;
      - (D) a committee;
      - (E) a board;
      - (F) an officer;
      - (G) an employee; or
      - (H) a similar agency or individual.
- (2) The Division of Finance shall:
- (a) establish a fund by no later than July 1, 2008:
    - (i) to hold:
      - (A) the money in the repealed Navajo Trust Fund as of June 30, 2008;
      - (B) Utah Navajo royalties received by the state on or after July 1, 2008;
      - (C) revenues from investments made by the state treasurer of the money in the fund established under this Subsection (2)(a);
      - (D) money owed to the repealed Navajo Trust Fund, including money received by the repealed trust administrator or repealed Dineh Committee from an agreement executed by:
        - (I) the repealed board of trustees;
        - (II) the repealed trust administrator; or
        - (III) the repealed Dineh Committee; and
      - (E) money related to litigation, including settlement of litigation related to Utah Navajo royalties; and

- (ii) from which money may not be transferred or expended, except:
  - (A) as provided in Subsection (7); or
  - (B) as authorized by congressional action to designate a new recipient of the Utah Navajo royalties; and
- (b) by no later than July 1, 2008, transfer to the fund created under Subsection (2)(a) in a manner consistent with this section the related assets and liabilities of the repealed Navajo Trust Fund, including the transfer of money in the repealed Navajo Trust Fund.
- (3) The state treasurer shall invest money in the fund created in Subsection (2)(a) in accordance with Title 51, Chapter 7, State Money Management Act.
- (4)
  - (a) By no later than May 5, 2008, the repealed board of trustees shall:
    - (i) adopt a list of all related assets and liabilities of the repealed trust fund that are not satisfied by May 5, 2008, which may include assets and liabilities that are contingent in nature or amount;
    - (ii) adopt a list of all individuals who at the time of adoption meet the requirements of Subsection (7)(b); and
    - (iii) provide a copy of the lists described in Subsections (4)(a)(i) and (ii) to:
      - (A) the state auditor; and
      - (B) the Department of Administrative Services.
  - (b) The state auditor, in addition to completing its Fiscal Year 2007-2008 audit of the repealed Navajo Trust Fund, shall:
    - (i) verify the list of the related assets and liabilities of the repealed Navajo Trust Fund adopted by the repealed board of trustees under Subsection (4)(a) by no later than June 30, 2008; and
    - (ii) provide a written copy of the verification to the governor and the Legislature by no later than July 30, 2008.
- (5) The governor shall ensure that the reporting requirements under P.L. 90-306, 82 Stat. 121, are met.
- (6) The Department of Administrative Services, in cooperation with the Department of Human Resources, may assist employees of the repealed Navajo Trust Fund as of June 30, 2008, in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.
- (7) With the fund created under Subsection (2) and the fixed assets of the repealed Navajo Trust Fund, the Department of Administrative Services shall:
  - (a) subject to Subsection (8), fulfill the liabilities and obligations of the repealed Navajo Trust Fund as of June 30, 2008;
  - (b) provide financial assistance to an individual enrolled member of the Navajo Nation who:
    - (i) resides in San Juan County;
    - (ii) as of June 30, 2014, has received financial assistance under this Subsection (7)(b) for postsecondary education;
    - (iii) beginning the later of June 30 or the day on which the individual first receives financial assistance under this Subsection (7)(b), is enrolled in postsecondary education in any state for the equivalent of at least two semesters each year; and
    - (iv) meets the eligibility requirements adopted by the repealed board of trustees as of March 17, 2008, except that the Department of Administrative Services may increase the amount of financial assistance received by an individual under this Subsection (7)(b) when there are increases in tuition or fees charged at postsecondary institutions operating in the state;

- (c) through the Division of Facilities Construction and Management, reasonably maintain the fixed assets of the repealed Navajo Trust Fund, to the extent that a lessee of a fixed asset is not required by a lease to maintain a fixed asset;
  - (d) through the Division of Facilities Construction and Management, take those steps necessary to secure the purchase:
    - (i) of the following that is owned by the repealed Navajo Trust Fund as of May 5, 2008:
      - (A) the government service building; or
      - (B) another fixed asset of the repealed Navajo Trust Fund, if the sale of the fixed asset is consistent with the obligations of the state with regard to the Utah Navajo royalties; and
    - (ii)
      - (A) in an arms length manner; and
      - (B) so that fair market compensation is paid to the repealed Navajo Trust Fund; and
  - (e) charge the fund established under Subsection (2)(a) for the expenses that are necessary and reasonable to comply with the requirements of this Subsection (7).
- (8) To fulfill the liabilities and obligations of the repealed Navajo Trust Fund as of June 30, 2008, the Division of Finance may expend money from the fund:
- (a) for a liability or obligation incurred before March 17, 2008, to the extent that the expenditure was expressly a liability or obligation of the repealed Navajo Trust Fund as of March 17, 2008; and
  - (b) on and after March 11, 2010, for a project approved under Subsection (1)(b)(i) by the repealed board of trustees, except that the Division of Finance may not expend money from the fund for a project approved under Subsection (1)(b)(i):
    - (i) in excess of \$100,000 in the aggregate for the project; or
    - (ii) to fulfill a liability or obligation related to the project if the expenditure would be on or after the earlier of:
      - (A) the day on which money from the fund is transferred as authorized by congressional action to designate a new recipient of the Utah Navajo royalties; or
      - (B) January 1, 2014.
- (9) Unless expressly prohibited by this part, the state may take any action with regard to the assets held by the state under this part that is consistent with the obligations of the state related to the Utah Navajo royalties.