

1 **Navajo Trust Fund Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christine F. Watkins**

Senate Sponsor:

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**LONG TITLE****Committee Note:**

The Native American Legislative Liaison Committee recommended this bill.

Legislative Vote: 9 voting for 0 voting against 2 absent

**General Description:**

This bill addresses the Navajo Trust Fund.

**Highlighted Provisions:**

This bill:

- ▶ changes frequency of board meetings and reporting to the board by the trust administrator;
- ▶ exempts certain investment activities from government records provisions;
- ▶ modifies certain annual reporting requirements; and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:****51-10-202**, as last amended by Laws of Utah 2021, Chapter 382**51-10-204**, as enacted by Laws of Utah 2015, Chapter 319

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*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **51-10-202** is amended to read:**51-10-202 . Board of trustees of the fund -- Trust administrator -- Investment activities.**

(1)(a) There is created a board of trustees of the fund composed of the following three members:

(i) the state treasurer;

- (ii) the director of the Division of Finance; and
- (iii) the director of the Governor's Office of Planning and Budget or the director's designee.

(b) The state treasurer is chair of the board.

(c) Three members of the board is a quorum.

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

- (i) Section 63A-3-106;
- (ii) Section 63A-3-107; and
- (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(a) The board shall:

- (i) contract with a person to act as trust administrator in accordance with Title 63G, Chapter 6a, Utah Procurement Code, and when not provided for by this chapter, define the trust administrator's duties; or
- (ii) if unable to find a qualified person under Subsection (2)(a)(i) to act as trust administrator for a reasonable cost, hire a qualified person to act as trust administrator and, when not provided for in this chapter, define the trust administrator's duties.

(b) If the board hires a trust administrator under Subsection (2)(a)(ii), the board may hire or authorize the trust administrator to hire other persons necessary to assist the trust administrator and the board to perform the duties required by this chapter.

The board shall:

- (a) on behalf of the state, act as trustee of the fund and exercise the state's fiduciary responsibilities;
- (b) meet at least [once every other month] quarterly;
- (c) review and approve [the policies, projections, rules, criteria, procedures, forms, standards, and performance goals] a policy, projection, rule, criteria, procedure, form, standard, or performance goal established by the trust administrator;
- (d) review and approve the fund budget prepared by the trust administrator;
- (e) review [the progress reports from programs] a progress report from a program financed by the fund;
- (f) review a financial [records] record of the fund, including a fund [receipts, expenditures, and investments] receipt, expenditure, or investment; and

65 (g) do any other thing necessary to perform the state's fiduciary obligations under the  
66 fund.

67 (4) The attorney general shall:

68 (a) act as legal counsel and provide legal representation to the board; and  
69 (b) attend or direct an attorney from the attorney general's office to attend each meeting  
70 of the board.

71 (5) The board may consult with knowledgeable state personnel to advise the board on  
72 policy and technical matters.

73 (6) A record of information relating to an investment activity of the fund is exempt from  
74 Title 63G, Chapter 2, Government Records Access and Management Act.

75 Section 2. Section **51-10-204** is amended to read:

76 **51-10-204 . Trust administrator duties.**

77 (1) Under the direction of the board, the trust administrator shall:

78 (a) review the documents and decisions highlighting the history of the fund, including:  
79 (i) the Nelson report, prepared as part of the Bigman v. Utah Navajo Development  
80 Council, Inc. C77-0031;  
81 (ii) the November 1991 performance audit of the fund by the legislative auditor  
82 general;  
83 (iii) Sakezzie v. Utah Indian Affairs Commission, 198 F. Supp. 218 (1961);  
84 (iv) Sakezzie v. Utah Indian Affairs Commission, 215 F. Supp. 12 (1963);  
85 (v) the September 8, 1977, consent decree, the stipulation dated November 29, 1984,  
86 modifying the consent decree, and the court's memorandum opinion dated  
87 September 25, 1978, in Bigman v. Utah Navajo Development Council, Inc.  
88 C77-0031; and  
89 (vi) rulings related to Pelt v. Utah;

90 (b) review [all] the potential sources of fund revenues;

91 (c) prepare an annual [projections] projection of money that will be available for a  
92 Navajo [programs] program;

93 (d) identify the property owned by the fund;

94 (e) establish and maintain a record system and retention schedule to retain [records] a  
95 record relating to the fund's property and operations, including:

96 (i) [records] a record related to the ethics and conflict policy developed under  
97 Subsection (2)(c);

98 (ii) [requests for proposals and proposals] a request for proposal and a proposal

99 received;

100 (iii) ~~[e~~ontraets] a contract awarded;

101 (iv) project progress and a completion [reports] report;

102 (v) [invoicees] an invoice; and

103 (vi) a purchasing [records] record;

104 (f) review [the] an existing and proposed [programs] program financed by the fund;

105 (g) evaluate whether [the programs] a program described in Subsection (1)(f) [are] is the  
106 most practical and cost-efficient means to provide the desired benefit to Navajos;

107 (h) consult regularly with the [administrators of the programs financed by the fund to  
obtain progress reports on the programs] administrator of a program financed by the  
108 fund to obtain a progress report on the program;

109 (i) attend [all] the meetings of:

110 (i) the Diné Advisory Committee; and

111 (ii) the board;

112 (j) certify that [the expenditures] an expenditure of the fund:

113 (i) [employ] complies with the state's fiduciary responsibilities as trustee of the fund;  
114 and

115 (ii) [are] is consistent with this section;

116 (k) make an annual report:

117 (i) to the:

118 (A) board;

119 (B) governor; and

120 (C) Native American Legislative Liaison Committee, created in Section 36-22-1;  
121 and

122 (ii) that:

123 (A) identifies the source and amount of the revenue received by the fund;

124 (B) identifies the recipient, purpose, and amount of the expenditures from the fund;

125 (C) identifies [specifically each of the fund's investments and the actual return and  
the rate of return from each investment] investment categories and the rate of  
126 return of each category of investment; and

127 (D) recommends any necessary statutory changes to improve administration of the  
128 fund or to protect the state from liability as trustee;

129 (l) submit a written annual report to the:

130 (i) Division of Indian Affairs;

133 (ii) Navajo Nation;  
134 (iii) United States Bureau of Indian Affairs; and  
135 (iv) United States Secretary of the Interior;  
136 (m) establish, in conjunction with the state treasurer and the Division of Finance,  
137 appropriate accounting practices for the fund receipts, expenditures, and investments  
138 according to generally accepted accounting principles;  
139 (n) provide a summary [records] record of fund receipts, expenditures, and investments  
140 to the board and to the Diné Advisory Committee at each [of their meetings] meeting  
141 of the board or Diné Advisory Committee;  
142 (o) pay an administrative [expenses] expense from the fund;  
143 (p) report [monthly] quarterly to the board about:  
144 (i) the trust administrator's activities; and  
145 (ii) the status of the fund; and  
146 (q) call an additional [meetings] meeting of the Diné Advisory Committee when  
147 necessary.  
148 (2) In conjunction with the Diné Advisory Committee and under the direction of the board,  
149 the trust administrator shall:  
150 (a) before the beginning of each fiscal year, establish a list of the needs of Navajos for  
151 that year to be used for the annual budget;  
152 (b) before the beginning of each fiscal year, develop and approve an annual budget for  
153 the fund;  
154 (c) develop an ethics and conflict of interest policy that emphasizes the need to avoid  
155 even the appearance of conflict of interest or impropriety that is to apply to:  
156 (i) the trust administrator;  
157 (ii) the trust administrator's staff; and  
158 (iii) the Diné Advisory Committee;  
159 (d) require the trust administrator, each of the trust administrator's staff, and each  
160 member of the Diné Advisory Committee to sign and keep on file written  
161 documentation that acknowledges:  
162 (i) [their-]receipt of the ethics and conflict of interest policy described in Subsection  
163 (2)(c); and  
164 (ii) [their-]willingness to abide by the ethics and conflict of interest policy described  
165 in Subsection (2)(c); and  
166 (e) make expenditures from the fund:

- (i) "for the health, education, and general welfare of the Navajo Indians residing in San Juan County" as required by:
  - (A) Pub. L. No. 72-403, 47 Stat. 1418 (1933);
  - (B) Pub. L. No. 90-306, 82 Stat. 121 (1968); and
  - (C) this chapter; and
- (ii) including expenditure for roads and utilities.

(3) The trust administrator, under direction of the board, may:

- (a) contract with [public and private entities] a public or private entity; and
- (b) unless prohibited by law or this chapter, acquire and hold money and other property received in the administration of the fund.

### Section 3. Effective Date.

This bill takes effect on May 6, 2026.