

Part 17

Navajo Revitalization Fund Act

35A-8-1701 Title.

This chapter is known as the "Navajo Revitalization Fund Act."

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1702 Definitions.

As used in this chapter:

- (1) "Board" means the Navajo Revitalization Fund Board.
- (2) "Capital project" means an expenditure for land, improvements on the land, or equipment intended to have long-term beneficial use.
- (3) "Division" means the Housing and Community Development Division.
- (4) "Eligible entity" means:
 - (a) the Navajo Nation;
 - (b) a department or division of the Navajo Nation;
 - (c) a Utah Navajo Chapter;
 - (d) the Navajo Utah Commission;
 - (e) an agency of the state or a political subdivision of the state; or
 - (f) a nonprofit corporation.
- (5) "Navajo Utah Commission" means the commission created by Resolution IGRJN-134-92 of the Intergovernmental Relations Committee of the Navajo Nation Council.
- (6) "Revitalization fund" means the Navajo Revitalization Fund.
- (7) "Utah Navajo Chapter" means any of the following chapters of the Navajo Nation:
 - (a) Aneth Chapter;
 - (b) Dennehotso Chapter;
 - (c) Mexican Water Chapter;
 - (d) Navajo Mountain Chapter;
 - (e) Oljato Chapter;
 - (f) Red Mesa Chapter; and
 - (g) Teec Nos Pos Chapter.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1703 Legislative intent.

- (1) The purpose of this chapter is to:
 - (a) maximize the long-term benefit of state severance taxes derived from lands in Utah held in trust by the United States for the Navajo Nation and its members by fostering funding mechanisms that will, consistent with sound financial practices, result in the greatest use of financial resources for the greatest number of citizens of San Juan County; and
 - (b) promote cooperation and coordination between the state, its political subdivisions, Indian tribes, and individuals, firms, and business organizations engaged in the development of oil and gas interests in Utah held in trust by the United States for the Navajo Nation and its members.
- (2) Notwithstanding Subsection (1), the fund:
 - (a) consists of state severance tax money to be spent at the discretion of the state; and

- (b) does not constitute a trust fund.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1704 Navajo Revitalization Fund.

- (1)
 - (a) There is created an expendable special revenue fund called the "Navajo Revitalization Fund."
 - (b) The revitalization fund shall consist of:
 - (i) money deposited to the revitalization fund under this chapter;
 - (ii) money deposited to the revitalization fund under Section 59-5-119; and
 - (iii) any loan repayment or interest on a loan issued under this chapter.
- (2)
 - (a) The revitalization fund shall earn interest.
 - (b) The interest earned on revitalization fund money shall be deposited into the fund.
- (3) Beginning for fiscal year 2010-11, the division may use revitalization fund money for the administration of the revitalization fund, but this amount may not exceed 4% of the annual receipts to the revitalization fund.

Amended by Chapter 400, 2013 General Session

35A-8-1705 Navajo Revitalization Fund Board.

- (1) There is created within the division the Navajo Revitalization Fund Board composed of five members as follows:
 - (a) the governor or the governor's designee;
 - (b) the two members of the San Juan County commission whose districts include portions of the Navajo Reservation;
 - (c) the chair of the Navajo Utah Commission or a member of the commission designated by the chair of the Navajo Utah Commission; and
 - (d) beginning July 1, 2008, a president of a Utah Navajo Chapter or an individual designated by the president under an annual rotation system of Utah Navajo Chapters as follows:
 - (i) the president of a Utah Navajo Chapter shall serve for one year;
 - (ii) the Utah Navajo Chapter is rotated in alphabetical order as provided in Subsection 35A-8-1702(7), except that the rotation will begin on July 1, 2008, with the Dennehotso Chapter;
 - (iii) if the president of a Utah Navajo Chapter under Subsection (1)(d)(ii) is the same individual as the individual listed in Subsection (1)(c):
 - (A) that Utah Navajo Chapter is skipped as part of that rotation; and
 - (B) the president of the next Utah Navajo Chapter in the alphabetical rotation shall serve on the board.
- (2) The term of office for a member of the board described in Subsections (1)(a) through (c) runs concurrently with the term of office for the governor, county commissioner, or member of the Navajo Utah Commission.
- (3)
 - (a) The governor, or the governor's designee, is the chair of the board.
 - (b) The chair shall call necessary meetings.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;

- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (5) The per diem and travel expenses permitted under Subsection (4) may be included as costs of administration of the revitalization fund.
- (6) Four board members are a quorum.
- (7) An affirmative vote of each member of the board present at a meeting when a quorum is present is required for a board decision related to money in or disbursed from the revitalization fund.

Amended by Chapter 348, 2016 General Session

35A-8-1706 Powers -- Duties.

- (1) The board shall:
 - (a) direct the division regarding grants and loans from the revitalization fund to eligible entities to serve persons that are or may be socially or economically impacted, directly or indirectly, by mineral resource development;
 - (b) establish procedures for application for an award of grants and loans including eligibility criteria;
 - (c) coordinate projects and programs with other projects and programs funded by federal, state, and local government entities;
 - (d) determine the order in which projects will be funded; and
 - (e) be subject to the procedures and requirements under Title 52, Chapter 4, Open and Public Meetings Act.
- (2) The board may:
 - (a) qualify for, accept, and administer grants, gifts, loans, or other funds from the federal government and from other sources, public or private; and
 - (b) make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if necessary to perform its responsibilities.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1707 Revitalization fund administered by board -- Eligibility for assistance -- Review by board -- Restrictions on loans and grants -- Division to distribute money.

- (1)
 - (a) If an eligible entity wishes to receive a loan or grant from the board, the eligible entity shall file an application with the board that contains the information required by the board.
 - (b) The board shall review an application for a loan or grant filed under Subsection (1)(a) before approving the loan or grant.
 - (c) The board may approve a loan or grant application subject to the applicant's compliance with the one or more conditions established by the board.
- (2) In determining whether an eligible entity may receive a loan or grant, the board shall give priority to:
 - (a) a capital project or infrastructure, including:
 - (i) electrical power;
 - (ii) water; and
 - (iii) a one time need project;
 - (b) a housing project that consists of:
 - (i) the purchase of new housing;

- (ii) the construction of new housing; or
- (iii) a significant remodeling of existing housing; or
- (c) a matching educational endowment that:
 - (i) promotes economic development within the Utah portion of the Navajo Reservation;
 - (ii) promotes the preservation of Navajo culture, history, and language; or
 - (iii) supports a postsecondary educational opportunity for a Navajo student enrolled in a course or program taught within the Utah portion of the Navajo Reservation.
- (3) A loan or grant issued under this chapter may not fund:
 - (a) a start-up or operational cost of a private business venture;
 - (b) a general operating budget of an eligible entity; or
 - (c) a project that will operate or be located outside of the Navajo Reservation in San Juan County, Utah, except for an educational endowment approved by the board under Subsection (2)(c).
- (4)
 - (a) The board may not approve a loan unless the loan:
 - (i) specifies the terms for repayment; and
 - (ii) is secured by proceeds from a general obligation, special assessment, or revenue bond, note, or other obligation.
 - (b) The division shall deposit a loan repayment or interest on a loan issued under this chapter into the revitalization fund.
- (5) The board shall give a priority to a loan or grant if the loan or grant includes matching money or in-kind services from:
 - (a) the Navajo Nation;
 - (b) San Juan County;
 - (c) the state;
 - (d) the federal government;
 - (e) a Utah Navajo Chapter; or
 - (f) other private or public organization.
- (6) The division shall distribute loan and grant money:
 - (a) if the loan or grant is approved by the board;
 - (b) in accordance with the instructions of the board, except that the board may not instruct that money be distributed in a manner:
 - (i) inconsistent with this chapter; or
 - (ii) in violation of a rule or procedure of the department; and
 - (c) in the case of a loan, in accordance with Section 63A-3-205.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1708 Annual report.

The division shall provide an annual report to the department concerning the number and type of loans and grants made as well as a list of recipients of this assistance for inclusion in the department's annual written report described in Section 35A-1-109.

Amended by Chapter 371, 2014 General Session