

Effective 7/1/2015

51-10-206 Diné Advisory Committee.

(1) There is created the Diné Advisory Committee.

- (2)
- (a) The governor, with the consent of the Senate, shall appoint nine members to the Diné Advisory Committee.
 - (b) In making an appointment under Subsection (2)(a), the governor shall ensure that the Diné Advisory Committee includes:
 - (i) two registered members of the Aneth Chapter of the Navajo Nation who reside in San Juan County, Utah;
 - (ii) one registered member of the Blue Mountain Diné who resides in San Juan County, Utah;
 - (iii) one registered member of the Mexican Water Chapter of the Navajo Nation who resides in San Juan County, Utah;
 - (iv) one registered member of the Naatsis'áán Chapter of the Navajo Nation who resides in San Juan County, Utah;
 - (v) subject to Subsection (4), two members who reside in San Juan County, Utah, one of whom is a registered member of the Oljato Chapter of the Navajo Nation, and one of whom is a registered member of either the Oljato Chapter or the Dennehotso Chapter of the Navajo Nation;
 - (vi) one registered member of the Red Mesa Chapter of the Navajo Nation who resides in San Juan County, Utah; and
 - (vii) one registered member of the Teec Nos Pos Chapter of the Navajo Nation who resides in San Juan County, Utah.

- (3)
- (a)
 - (i) Each chapter of the Utah Navajo Chapter, except the Aneth, Oljato, and Dennehotso chapters, shall submit to the governor the names of three nominees to the Diné Advisory Committee chosen by the chapter.
 - (ii) The governor shall select one of the three persons whose names are submitted under Subsection (3)(a)(i) as that chapter's representative on the Diné Advisory Committee.
 - (b)
 - (i) The Blue Mountain Diné shall submit to the governor the names of three nominees to the Diné Advisory Committee.
 - (ii) The governor shall select one of the three persons whose names are submitted under Subsection (3)(b)(i) as the Blue Mountain Diné representative on the Diné Advisory Committee.
 - (c)
 - (i) The Aneth Chapter shall submit to the governor the names of six nominees to the Diné Advisory Committee chosen by the chapter.
 - (ii) The governor shall select two of the six persons whose names are submitted under Subsection (3)(c)(i) to be the Aneth Chapter's representatives on the Diné Advisory Committee.
 - (d)
 - (i) The Oljato Chapter shall submit to the governor the names of six nominees to the Diné Advisory Committee chosen by the chapter.
 - (ii) One of the six names submitted under Subsection (3)(d)(i) may be a registered member of the Dennehotso Chapter.

- (iii) The governor shall select two of the six persons whose names are submitted under Subsection (3)(d)(i) to be the representatives on the Diné Advisory Committee of the Oljato and Dennehotso chapters.
- (e) Before submitting a name to the governor, a Utah Navajo Chapter and the Blue Mountain Diné shall ensure that the individual's whose name is submitted:
 - (i) is an enrolled member of the Navajo Nation;
 - (ii) resides in San Juan County, Utah;
 - (iii) is 21 years of age or older;
 - (iv) is not an officer of the chapter;
 - (v) has not been convicted of a felony; and
 - (vi) is not currently, or within the last 12 months has not been, an officer, director, employee, or contractor of a service provider that solicits, accepts, or receives a benefit from an expenditure of:
 - (A) the Division of Indian Affairs; or
 - (B) the fund.
- (4) If both members appointed under Subsection (2)(b)(vi) are registered members of the Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as practicable.
- (5)
 - (a) Except as provided in Subsection (5)(b) and other than the amount authorized by this section for Diné Advisory Committee member expenses, a person appointed to the Diné Advisory Committee may not solicit, accept, or receive any benefit from an expenditure of:
 - (i) the Division of Indian Affairs;
 - (ii) the fund; or
 - (iii) the Division of Indian Affairs or fund as an officer, director, employee, or contractor of a service provider that solicits, accepts, or receives a benefit from the expenditure of:
 - (A) the Division of Indian Affairs; or
 - (B) the fund.
 - (b) A member of the Diné Advisory Committee may receive a benefit from an expenditure of the fund if:
 - (i) when the benefit is discussed by the Diné Advisory Committee:
 - (A) the member discloses that the member may receive the benefit;
 - (B) the member physically leaves the room in which the Diné Advisory Committee is discussing the benefit; and
 - (C) the Diné Advisory Committee approves the member receiving the benefit by a unanimous vote of the members present at the meeting discussing the benefit;
 - (ii) a Utah Navajo Chapter requests that the benefit be received by the member;
 - (iii) the member is in compliance with the ethics and conflict of interest policy required under Subsection 51-10-204(2)(c);
 - (iv)
 - (A) the expenditure from the fund is made in accordance with this chapter; and
 - (B) the benefit is no greater than the benefit available to members of the Navajo Nation residing in San Juan County, Utah; and
 - (v) the member is not receiving the benefit as an officer, director, employee, or contractor of a service provider.
- (6)
 - (a)
 - (i) Except as required in Subsection (6)(a)(ii), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

- (ii) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the Diné Advisory Committee is appointed every two years.
 - (b) Except as provided in Subsection (6)(c), a committee member shall serve until the committee member's successor is appointed and qualified.
 - (c) If a committee member is absent from three consecutive committee meetings, or if the committee member violates the ethical or conflict of interest policies established by statute or the Diné Advisory Committee:
 - (i) the committee member's appointment is terminated;
 - (ii) the position is vacant; and
 - (iii) the governor shall appoint a replacement.
 - (d) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term according to the procedures of this section.
- (7)
- (a) The committee members shall select a chair and vice chair from committee membership each two years subsequent to the appointment of new committee members.
 - (b) Five members of the Diné Advisory Committee is a quorum for the transaction of business.
 - (c) The Diné Advisory Committee shall:
 - (i) comply with Title 52, Chapter 4, Open and Public Meetings Act;
 - (ii) ensure that its meetings are held at or near:
 - (A) a chapter house or meeting hall of a Utah Navajo Chapter; or
 - (B) other places in Utah that the Diné Advisory Committee considers practical and appropriate; and
 - (iii) ensure that its meetings are public hearings at which a resident of San Juan County, Utah, may appear and speak.
- (8) A committee member may not receive compensation or benefits for the committee 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.
- (9) The trust administrator shall staff the Diné Advisory Committee.
- (10) The Diné Advisory Committee shall advise the trust administrator about the expenditure of fund money.

Enacted by Chapter 319, 2015 General Session