

Effective 5/5/2021

51-9-702 Navajo Water Rights Negotiation Account -- Settlement.

- (1) As used in this section:
 - (a) "Conformed agreement" means an agreement required by congressional action and that the parties to the settlement agreement have agreed to enter into to complete the settlement process.
 - (b) "Congressional action" means the United States Congress's approval of the settlement agreement with passage of H. R. 133, Consolidated Appropriations Act, 2021, Section 1102, the Navajo-Utah Water Rights Settlement.
 - (c) "Settlement agreement" means the document titled "Navajo Utah Water Rights Settlement Agreement" dated December 14, 2015, and the exhibits attached to the document.
- (2)
 - (a) There is created a restricted account within the General Fund known as the "Navajo Water Rights Negotiation Account."
 - (b) The restricted account shall consist of appropriations made by the Legislature.
 - (c) The Division of Finance shall:
 - (i) administer the account; and
 - (ii) deposit interest earned on the account into the General Fund.
- (3) Subject to Subsection (4), the Legislature may appropriate money from the restricted account only to plan, design, and construct drinking water projects to serve populations located on the Navajo Nation reservation within the boundaries of Utah.
- (4) Before transferring money appropriated from the account under the settlement agreement and congressional action for the purposes described in Subsection (3):
 - (a) the state engineer, appointed under Section 73-2-1, shall:
 - (i) determine whether the conformed agreement is consistent with the settlement agreement in all material respects;
 - (ii) if the conformed agreement is consistent with the settlement agreement in all material respects, recommend that the governor sign the conformed agreement; and
 - (iii) submit the state engineer's findings and recommendation under this Subsection (4)(a) in writing to the governor and the Legislative Management Committee;
 - (b) the governor shall sign the conformed agreement; and
 - (c) all parties have signed the conformed agreement.
- (5) Creation of the account and appropriations into the account do not:
 - (a) create a state obligation to provide funding for the planning, design, or construction of drinking water projects to serve populations located on the Navajo Nation reservation within the boundaries of the state; and
 - (b) constitute an acknowledgment or admission by the state of any legal liability or obligation.

Amended by Chapter 412, 2021 General Session