

1 **AMENDMENTS TO NAVAJO TRUST FUND**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Beverly Ann Evans**

5

LONG TITLE

6 **General Description:**

7 This bill modifies the Navajo Trust Fund chapter.

8 **Highlighted Provisions:**

9 This bill:

- 10
- 11 ▶ extends the sunset date for the Navajo Trust Fund chapter;
 - 12 ▶ allows the board of trustees to meet every other month; and
 - 13 ▶ makes technical changes.

14 **Monies Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **63-55-263**, as last amended by Chapters 37, 90 and 238, Laws of Utah 2004

21 **63-88-103**, as last amended by Chapter 176, Laws of Utah 2002

22

Be it enacted by the Legislature of the state of Utah:

23 Section 1. Section **63-55-263** is amended to read:

24 **63-55-263. Repeal dates, Titles 63 and 63A.**

25 (1) Title 63, Chapter 25a, Part 3, Sentencing Commission, is repealed January 1, 2012.

26 (2) The Crime Victims' Reparations Board, created in Section 63-25a-404, is repealed



28 July 1, 2007.

29 (3) The Resource Development Coordinating Committee, created in Section
30 63-38d-501, is repealed July 1, 2005.

31 (4) Title 63, Chapter 38c, State Appropriations and Tax Limitation Act, is repealed
32 July 1, 2005.

33 (5) Title 63, Chapter 47, Utah Commission for Women and Families, is repealed July
34 1, 2005.

35 (6) Title 63, Chapter 75, Families, Agencies, and Communities Together for Children
36 and Youth At Risk Act, is repealed July 1, 2006.

37 (7) Title 63, Chapter 88, Navajo Trust Fund, is repealed July 1, [2005] 2008.

38 (8) Sections 63A-4-204 and 63A-4-205, authorizing the Risk Management Fund to
39 provide coverage to nonstate entities, are repealed July 1, 2006.

40 (9) Title 63A, Chapter 10, State Olympic Coordination Act, is repealed July 1, 2004.
41 Section 2. Section **63-88-103** is amended to read:

42 **63-88-103. Board of Trustees of the Utah Navajo Trust Fund.**

43 (1) (a) There is created a Board of Trustees of the Utah Navajo Trust Fund composed
44 of three members[;]:

45 (i) the State Treasurer[;];

46 (ii) the Director of the Division of Finance[;]; and

47 (iii) a state officer or employee appointed by the governor, with the consent of the
48 Senate, to a four-year term.

49 (b) The State Treasurer is chair of the board.

50 (c) Three members of the board are a quorum.

51 (d) (i) State government officer and employee members who do not receive salary, per
52 diem, or expenses from their agency for their service may receive per diem and expenses
53 incurred in the performance of their official duties from the board at the rates established by the
54 Division of Finance under Sections 63A-3-106 and 63A-3-107.

55 (ii) State government officer and employee members may decline to receive per diem
56 and expenses for their service.

57 (2) (a) The board shall either:

58 (i) contract with a person [~~or entity~~] to act as trust administrator by following the

59 procedures and requirements of [~~Title 63;~~] Chapter 56, Utah Procurement Code and, where not
60 provided for by this chapter, define [~~his~~] the trust administrator's duties and responsibilities; or

61 (ii) if unable to find a qualified person under Subsection (2)(a)(i) to act as trust
62 administrator for a reasonable cost, hire a qualified person to act as trust administrator and,
63 where not provided for by this chapter, define [~~his~~] the trust administrator's duties and
64 responsibilities.

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

68 (3) The board shall:

69 (a) on behalf of the state, act as trustee of the trust fund and exercise the state's
70 fiduciary responsibilities;

71 (b) meet at least [~~monthly~~] once every other month;

72 (c) review and approve all policies, projections, rules, criteria, procedures, forms,
73 standards, and performance goals established by the trust administrator;

74 (d) review and approve the trust fund budget prepared by the trust administrator;

75 (e) review all progress reports from programs financed by the trust fund;

76 (f) review financial records of the trust fund, including trust fund receipts,
77 expenditures, and investments; and

78 (g) do any other things necessary to perform the state of Utah's fiduciary obligations
79 under the trust fund.

80 (4) The attorney general shall:

81 (a) act as legal counsel and provide legal representation to the Board of Trustees; and

82 (b) attend, or direct an attorney from [~~his~~] the attorney general's office to attend, each
83 [~~of their meetings~~] meeting of the Board of Trustees.

Legislative Review Note
as of 12-23-04 12:10 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0076

Amendments To Navajo Trust Fund

12-Jan-05

3:05 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst