

1 **CONCURRENT RESOLUTION ENCOURAGING CONGRESSIONAL**
2 **ACTION TO DESIGNATE A NEW RECIPIENT OF**
3 **ROYALTIES FROM NAVAJO RESERVATION LANDS IN UTAH**

4 2008 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: David Clark**

7 Senate Sponsor: Curtis S. Bramble

8
9 **LONG TITLE**

10 **General Description:**

11 This concurrent resolution addresses the removal of the state as the recipient of certain
12 oil and gas royalties from the San Juan County portion of the Navajo reservation.

13 **Highlighted Provisions:**

14 This resolution:

- 15 ▶ describes aspects of the history surrounding the state's receipt of the oil and gas
- 16 royalties;
- 17 ▶ explains that the state is unique in having such a responsibility;
- 18 ▶ discusses how litigation has proven problematic in the state meeting its obligations;
- 19 ▶ discusses the expressed desire of Navajos to have greater control over the
- 20 expenditure of the oil and gas royalties;
- 21 ▶ discusses congressional action to designate a new recipient of the oil and gas
- 22 royalties;
- 23 ▶ supports the continuation of the benefits flowing to San Juan Navajos;
- 24 ▶ encourages Congress to work with interested parties to take action; and
- 25 ▶ provides for the distribution of the resolution.

26 **Special Clauses:**

27 None

28
29 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

30 WHEREAS, in 1933 Congress added federal lands located in San Juan County to the
31 Navajo reservation and directed Utah to receive 37.5% of oil and gas royalties from those lands
32 for "the tuition of Indian children in white schools and/or the building or maintenance of roads .
33 . . or for the benefit of Indians residing therein";

34 WHEREAS, in 1968 Congress amended the purposes for which the 37.5% of oil and
35 gas royalties are to be expended to be "for the health, education, and general welfare of the
36 Navajo Indians residing in San Juan County, Utah";

37 WHEREAS, Utah is unique amongst the states in having such an obligation and the San
38 Juan Navajos are unique in having this relationship to the state;

39 WHEREAS, by treaty in 1868 the Navajo Nation was recognized as a sovereign and it is
40 now the largest American Indian tribe in the country with significant expertise in its governance
41 of its people;

42 WHEREAS, the Navajo Nation receives and expends the other 62.5% of the oil and gas
43 royalties from the San Juan County portion of the Navajo reservation;

44 WHEREAS, the San Juan Navajos are valued citizens of the state of Utah whose
45 interests include the need for critical infrastructure such as water and electricity;

46 WHEREAS, the state first received monies from the 37.5% of the oil and gas royalties
47 in 1959 and litigation related to those royalties began almost immediately, with a first major
48 decision occurring in 1961;

49 WHEREAS, the litigious environment surrounding the state's administration of the oil
50 and gas royalties harms the relationship between the state and the San Juan Navajos and
51 complicates all parties' ability to meet the needs of the San Juan Navajos;

52 WHEREAS, Navajos have expressed a desire to have greater input or control over the
53 administration of the 37.5% of oil and gas royalties;

54 WHEREAS, there exists several Navajo related entities that are equipped to find a more
55 effective way to administer these royalties where the state is not cast in the role as trustee;

56 WHEREAS, removal of the state as a go-between provides an opportunity for Navajos
57 to determine the best use of these royalties;

58 WHEREAS, Congress should designate a new recipient of the 37.5% of oil and gas
59 royalties; and

60 WHEREAS, the state will continue to assist its citizens in the San Juan County through
61 more traditional state tools such as the Navajo Revitalization Fund:

62 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
63 Governor concurring therein, encourages the United States Congress to expeditiously designate
64 a new recipient of the 37.5% of oil and gas royalties as quickly as possible.

65 BE IT FURTHER RESOLVED that the Legislature and Governor support
66 congressional action that results in the 37.5% of oil and gas royalties continuing to flow to the
67 benefit of San Juan Navajos.

68 BE IT FURTHER RESOLVED that the Legislature and Governor request Congress to
69 work with interested parties to ensure the best solution possible regarding the distribution of the
70 37.5% of oil and gas royalties.

71 BE IT FURTHER RESOLVED that copies of this concurrent resolution be sent to:

- 72 (1) the members of Utah's congressional delegation;
73 (2) the Navajo Utah Commission;
74 (3) the President of the Navajo Nation;
75 (4) the Speaker of the Navajo Nation Council;
76 (5) the board of trustees of the Navajo Trust Fund; and
77 (6) the Dineh Committee of the Navajo Trust Fund.