

1 **CONCURRENT RESOLUTION URGING CONGRESS TO**
2 **TRANSFER NAVAJO TRUST FUND MONEY**

3 2012 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Michael E. Noel**

6 Senate Sponsor: David P. Hinkins

8 **LONG TITLE**

9 **General Description:**

10 This concurrent resolution of the Legislature and the Governor urges the United States
11 Congress to quickly pass legislation to establish a new management structure to protect
12 the ability of Utah Navajo residents in San Juan County to receive the benefit of Navajo
13 Trust Fund money.

14 **Highlighted Provisions:**

15 This resolution:

- 16 ▶ urges the United States Congress to quickly pass legislation establishing a successor
17 management structure which protects the ability of Utah Navajo residents of San
18 Juan County to receive the benefit of Navajo Trust Fund money; and
19 ▶ urges the United States Congress to expedite the required transfer of assets so that
20 Utah's Navajo residents may again receive the benefit of these funds.

21 **Special Clauses:**

22 None

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

25 WHEREAS, the United States Congress ~~has~~ **in 1933 and again in 1968,** ~~has~~ authorized
25a the state of Utah to receive 37.5%
26 of the royalties from the production of mineral leases on that portion of the Navajo Reservation
27 in Utah, to be expended for the benefit of the Navajo residents of San Juan County, Utah;



28 WHEREAS, oil and gas was discovered in commercial quantities within the boundaries
29 of the Utah portion of the Navajo Reservation in the mid-1950's, and production has continued
30 until the current day;

31 WHEREAS, the state of Utah has managed the royalty receipts for the health,
32 education, and welfare of Utah Navajos since that time;

33 WHEREAS, the state of Utah managed the funds for many years through a state
34 governmental entity known as the Navajo Trust Fund (Fund);

35 WHEREAS, the state of Utah indicated its desire to resign as trustee of the fund in the
36 2008 General Session of the Utah Legislature in order to allow the Utah Navajo residents of
37 San Juan County the ability to manage the royalty receipts themselves;

38 WHEREAS, the Navajo Trust Fund was repealed, effective June 30, 2008, and
39 authority to manage the funds was transferred to the Department of Administrative Services,
40 which created the Utah Navajo Royalties Holding Fund to manage expenditures until a
41 successor management entity could be Congressionally authorized;

42 WHEREAS, the Navajo Trust Fund was required to decline any further projects for
43 approval after the statutorily created May 2008 cut-off date, except for applications for
44 assisting new Navajo students with their secondary education expenses;

45 WHEREAS, the Utah Navajo Royalties Holding Fund has been winding down
46 expenditures from the activities of the Navajo Trust Fund by completing projects authorized
47 before the May 2008 cut-off date, and by assisting students;

48 WHEREAS, the authority to expend funds for any project authorized before the cut-off
49 date in May 2008 expired January 1, 2012, except for new students, which authority expires at
50 the end of June 2012;

51 WHEREAS, the Utah Navajo Royalties Holding Fund will begin the process of
52 accounting for all assets of the Fund in preparation for an efficient transfer to the expected
53 Congressionally authorized successor management entity;

54 WHEREAS, the State of Utah desires to turn the funds over to a successor management
55 entity as soon as feasible in order to allow the Navajo residents of Utah to manage the funds for
56 their own benefit;

57 WHEREAS, Utah Navajos have a great need for expenditure of the royalty receipts for
58 secondary education, housing, power lines, waterlines, health care, and the creation of jobs,

59 among other pressing needs;

60 WHEREAS, Utah's Congressional delegation has been asked to sponsor and advance
61 legislation through the United States Congress designating a successor management entity; and

62 WHEREAS, this legislation has not advanced through Congress to this point, and
63 action does not appear imminent:

64 NOW THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
65 Governor concurring therein, urges the United States Congress to quickly pass legislation
66 establishing a successor management structure that protects the ability of the Utah Navajo
67 residents of San Juan County to receive the benefit of Navajo Trust Fund money.

68 BE IT FURTHER RESOLVED that the Legislature and the Governor urge the United
69 States Congress to expedite the required transfer of assets so that Utah's Navajo residents may
70 again receive the benefit of these funds.

71 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Speaker of
72 the United States House of Representatives, the Majority Leader of the United States Senate,
73 the Chair of United States House of Representatives' Natural Resources Committee's
74 Subcommittee on Indian and Alaska Native American Affairs, the Chair of the United States
75 Senate Committee on Indian Affairs, and to the members of Utah's congressional delegation.

Legislative Review Note
as of 2-8-12 1:31 PM

Office of Legislative Research and General Counsel