

Representative John R. Westwood proposes the following substitute bill:

NAVAJO TRUST FUND AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John R. Westwood

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill modifies provisions related to the Diné Advisory Committee for the Navajo Trust Fund.

Highlighted Provisions:

This bill:

- ▶ addresses appointments to the Diné Advisory Committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

51-10-206, as enacted by Laws of Utah 2015, Chapter 319

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

Section 1. Section **51-10-206** is amended to read:

51-10-206. Diné Advisory Committee.



26 (1) There is created the Diné Advisory Committee.

27 (2) (a) The governor, with the consent of the Senate, shall appoint nine members to the
28 Diné Advisory Committee.

29 (b) In making an appointment under Subsection (2)(a), the governor shall ensure that
30 the Diné Advisory Committee includes:

31 (i) two registered members of the Aneth Chapter of the Navajo Nation who reside in
32 San Juan County, Utah;

33 (ii) one registered member of the Blue Mountain Diné who resides in San Juan County,
34 Utah;

35 (iii) one registered member of the Mexican Water Chapter of the Navajo Nation who
36 resides in San Juan County, Utah;

37 (iv) one registered member of the Naatsis'áán Chapter of the Navajo Nation who
38 resides in San Juan County, Utah;

39 (v) subject to Subsection (4), two members who reside in San Juan County, Utah, one
40 of whom is a registered member of the Oljato Chapter of the Navajo Nation, and one of whom
41 is a registered member of either the Oljato Chapter or the Dennehotso Chapter of the Navajo
42 Nation;

43 (vi) one registered member of the Red Mesa Chapter of the Navajo Nation who resides
44 in San Juan County, Utah; and

45 (vii) one registered member of the Teec Nos Pos Chapter of the Navajo Nation who
46 resides in San Juan County, Utah.

47 (3) (a) (i) Each chapter of the Utah Navajo Chapter, except the Aneth, Oljato, and
48 Dennehotso chapters, shall submit to the governor the names of [~~three~~] two nominees to the
49 Diné Advisory Committee chosen by the chapter.

50 (ii) The governor shall [~~select~~] appoint one of the [~~three~~] two persons whose names are
51 submitted under Subsection (3)(a)(i) as that chapter's representative on the Diné Advisory
52 Committee.

53 (b) (i) The Blue Mountain Diné shall submit to the governor the names of [~~three~~] two
54 nominees to the Diné Advisory Committee.

55 (ii) The governor shall [~~select~~] appoint one of the [~~three~~] two persons whose names are
56 submitted under Subsection (3)(b)(i) as the Blue Mountain Diné representative on the Diné

57 Advisory Committee.

58 (c) (i) The Aneth Chapter shall submit to the governor the names of ~~[six]~~ two nominees
59 for each of the two positions to the Diné Advisory Committee ~~[chosen by]~~ representing the
60 ~~[chapter]~~ Aneth Chapter.

61 (ii) The governor shall ~~[select]~~ appoint two of the ~~[six]~~ persons whose names are
62 submitted under Subsection (3)(c)(i) to be the Aneth Chapter's representatives on the Diné
63 Advisory Committee, except that the representatives shall be staggered in accordance with
64 Subsection (6) so that only one position is appointed by the governor in a year.

65 (d) (i) ~~[The]~~ Subject to Subsection (3)(d)(iii), Oljato Chapter shall submit to the
66 governor the names of ~~[six]~~ two nominees for each of the two positions to the Diné Advisory
67 Committee ~~[chosen by]~~ representing the ~~[chapter]~~ Oljato Chapter and the Dennehotso Chapter.

68 ~~[(ii) One of the six names submitted under Subsection (3)(d)(i) may be a registered~~
69 ~~member of the Dennehotso Chapter.]~~

70 ~~[(iii)]~~ (ii) The governor shall ~~[select]~~ appoint two of the ~~[six]~~ persons whose names are
71 submitted under Subsection (3)(d)(i) to be the representatives on the Diné Advisory Committee
72 of the Oljato and Dennehotso chapters, except that the representatives shall be staggered in
73 accordance with Subsection (6) so that only one position is appointed by the governor in a year.

74 (iii) Notwithstanding Subsection (3)(d)(i), the Dennehotso Chapter may submit one
75 nominee for purposes of the governor appointing a representative of the Oljato Chapter and the
76 Dennehotso Chapter.

77 (e) Before submitting a name to the governor, a Utah Navajo Chapter and the Blue
78 Mountain Diné shall ensure that the individual's whose name is submitted:

79 (i) is an enrolled member of the Navajo Nation;

80 (ii) resides in San Juan County, Utah;

81 (iii) is 21 years of age or older;

82 (iv) is not an officer of the chapter;

83 (v) has not been convicted of a felony; and

84 (vi) is not currently, or within the last 12 months has not been, an officer, director,
85 employee, or contractor of a service provider that solicits, accepts, or receives a benefit from an
86 expenditure of:

87 (A) the Division of Indian Affairs; or

88 (B) the fund.

89 (4) If both members appointed under Subsection (2)(b)(vi) are registered members of
90 the Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as practicable.

91 (5) (a) Except as provided in Subsection (5)(b) and other than the amount authorized
92 by this section for Diné Advisory Committee member expenses, a person appointed to the Diné
93 Advisory Committee may not solicit, accept, or receive any benefit from an expenditure of:

94 (i) the Division of Indian Affairs;

95 (ii) the fund; or

96 (iii) the Division of Indian Affairs or fund as an officer, director, employee, or
97 contractor of a service provider that solicits, accepts, or receives a benefit from the expenditure
98 of:

99 (A) the Division of Indian Affairs; or

100 (B) the fund.

101 (b) A member of the Diné Advisory Committee may receive a benefit from an
102 expenditure of the fund if:

103 (i) when the benefit is discussed by the Diné Advisory Committee:

104 (A) the member discloses that the member may receive the benefit;

105 (B) the member physically leaves the room in which the Diné Advisory Committee is
106 discussing the benefit; and

107 (C) the Diné Advisory Committee approves the member receiving the benefit by a
108 unanimous vote of the members present at the meeting discussing the benefit;

109 (ii) a Utah Navajo Chapter requests that the benefit be received by the member;

110 (iii) the member is in compliance with the ethics and conflict of interest policy required
111 under Subsection [51-10-204\(2\)\(c\)](#);

112 (iv) (A) the expenditure from the fund is made in accordance with this chapter; and

113 (B) the benefit is no greater than the benefit available to members of the Navajo Nation
114 residing in San Juan County, Utah; and

115 (v) the member is not receiving the benefit as an officer, director, employee, or
116 contractor of a service provider.

117 (6) (a) (i) Except as required in Subsection (6)(a)(ii), as terms of current committee
118 members expire, the governor shall appoint each new member or reappointed member to a

119 four-year term.

120 (ii) The governor shall, at the time of appointment or reappointment, adjust the length
121 of terms to ensure that the terms of committee members are staggered so that approximately
122 half of the Diné Advisory Committee is appointed every two years.

123 (b) Except as provided in Subsection (6)(c), a committee member shall serve until the
124 committee member's successor is appointed and qualified.

125 (c) If a committee member is absent from three consecutive committee meetings, or if
126 the committee member violates the ethical or conflict of interest policies established by statute
127 or the Diné Advisory Committee:

128 (i) the committee member's appointment is terminated;

129 (ii) the position is vacant; and

130 (iii) the governor shall appoint a replacement.

131 (d) When a vacancy occurs in the membership for any reason, the governor shall
132 appoint a replacement for the unexpired term according to the procedures of this section.

133 (e) The governor may appoint an individual to more than one term on the Diné
134 Advisory Committee.

135 (7) (a) The committee members shall select a chair and vice chair from committee
136 membership each two years subsequent to the appointment of new committee members.

137 (b) Five members of the Diné Advisory Committee is a quorum for the transaction of
138 business.

139 (c) The Diné Advisory Committee shall:

140 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act;

141 (ii) ensure that its meetings are held at or near:

142 (A) a chapter house or meeting hall of a Utah Navajo Chapter; or

143 (B) other places in Utah that the Diné Advisory Committee considers practical and
144 appropriate; and

145 (iii) ensure that its meetings are public hearings at which a resident of San Juan
146 County, Utah, may appear and speak.

147 (8) A committee member may not receive compensation or benefits for the committee
148 member's service, but may receive per diem and travel expenses in accordance with:

149 (a) Section [63A-3-106](#);

- 150 (b) Section [63A-3-107](#); and
- 151 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 152 [63A-3-107](#).
- 153 (9) The trust administrator shall staff the Diné Advisory Committee.
- 154 (10) The Diné Advisory Committee shall advise the trust administrator about the
- 155 expenditure of fund money.