

HB0215S02 compared with HB0215

~~deleted text~~ shows text that was in HB0215 but was deleted in HB0215S02.

Inserted text shows text that was not in HB0215 but was inserted into HB0215S02.

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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: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires that the chair of the Diné Advisory Committee or the chair's designee be a member of the Navajo Revitalization Fund Board;
- ▶ addresses appointments to the Diné Advisory Committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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None

Utah Code Sections Affected:

AMENDS:

35A-8-1705, as last amended by Laws of Utah 2016, Chapter 348

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 **35A-8-1705** is amended to read:

35A-8-1705. Navajo Revitalization Fund Board.

(1) There is created within the division the Navajo Revitalization Fund Board composed of ~~five~~ six members as follows:

(a) the governor or the governor's designee;

(b) the two members of the San Juan County commission whose districts include portions of the Navajo Reservation;

(c) the chair of the Navajo Utah Commission or a member of the commission designated by the chair of the Navajo Utah Commission; ~~and~~

~~(d)~~ beginning July 1, 2008, a president of a Utah Navajo Chapter or an individual designated by the president under an annual rotation system of Utah Navajo Chapters as follows: ~~(i)~~

~~(i)~~ the president of a Utah Navajo Chapter shall serve for one year; ~~(ii)~~

~~(ii)~~ the Utah Navajo Chapter is rotated in alphabetical order as provided in Subsection 35A-8-1702(7), except that the rotation will begin on July 1, 2008, with the Dennehotso Chapter; ~~(iii)~~ and

~~(iii)~~ if the president of a Utah Navajo Chapter under Subsection (1)(d)(ii) is the same individual as the individual listed in Subsection (1)(c): ~~(A)~~

~~(A)~~ that Utah Navajo Chapter is skipped as part of that rotation; and ~~(B)~~

~~(B)~~ the president of the next Utah Navajo Chapter in the alphabetical rotation shall serve on the board ~~(C)~~; and

~~(C)~~ the chair of the Diné Advisory Committee created under Section 51-10-206 or the chair's designee who is a member of the Diné Advisory Committee.

(2) The term of office for a member of the board described in Subsections (1)(a)

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through (c) runs concurrently with the term of office for the governor, county commissioner, or member of the Navajo Utah Commission.

(3) (a) The governor, or the governor's designee, is the chair of the board.

(b) The chair shall call necessary meetings.

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

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(5) The per diem and travel expenses permitted under Subsection (4) may be included as costs of administration of the revitalization fund.

(6) Four board members are a quorum.

(7) An affirmative vote of each member of the board present at a meeting when a quorum is present is required for a board decision related to money in or disbursed from the revitalization fund.

Section 2. Section **51-10-206** is amended to read:

51-10-206. Diné Advisory Committee.

(1) There is created the Diné Advisory Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) resides in San Juan County, Utah;

(iii) is 21 years of age or older;

(iv) is not an officer of the chapter;

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

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

(A) the Division of Indian Affairs; or

(B) the fund.

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

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

(i) the Division of Indian Affairs;

(ii) the fund; or

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

(A) the Division of Indian Affairs; or

(B) the fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the position is vacant; and

(iii) the governor shall appoint a replacement.

(d) When a vacancy occurs in the membership for any reason, the governor shall

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appoint a replacement for the unexpired term according to the procedures of this section.

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

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

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

(c) The Diné Advisory Committee shall:

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

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

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

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

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

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

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(9) The trust administrator shall staff the Diné Advisory Committee.

(10) The Diné Advisory Committee shall advise the trust administrator about the expenditure of fund money.

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Legislative Review Note

Office of Legislative Research and General Counsel†