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NAVAJO TRUST FUND AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Phil Lyman

Senate Sponsor: David P. Hinkins

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;
- ▶ amends stipend provisions for members of 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.

(1) There is created the Diné Advisory Committee.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

62 (ii) The governor shall [~~select~~] appoint two of the [~~six~~] persons whose names are
 63 submitted under Subsection (3)(c)(i) to be the Aneth Chapter's representatives on the Diné
 64 Advisory Committee.

65 (d) (i) [~~The~~] Subject to Subsection (3)(d)(ii), the 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 (ii) The Dennehotso Chapter may submit one nominee for purposes of the governor
 71 appointing a representative of the Oljato Chapter and the Dennehotso Chapter.

72 (iii) The governor shall [~~select~~] appoint two of the [~~six~~] persons whose names are
 73 submitted under Subsection (3)(d)(i) or (ii) to be the representatives on the Diné Advisory
 74 Committee of the Oljato Chapter and the Dennehotso [~~chapters~~] Chapter.

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

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

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

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

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

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

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

85 (A) the Division of Indian Affairs; or

86 (B) the fund.

87 (4) If both members appointed under Subsection [~~(2)(b)(vi)] (2)(b)(v) are registered~~

88 members of the Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as

89 practicable.

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

93 (i) the Division of Indian Affairs;

94 (ii) the fund; or

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

98 (A) the Division of Indian Affairs; or

99 (B) the fund.

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

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

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

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

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

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

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

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

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

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

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

119 (ii) The governor shall, at the time of appointment or reappointment, adjust the length
120 of terms to ensure that the terms of committee members are staggered so that approximately

121 half of the Diné Advisory Committee is appointed every two years.

122 (iii) The terms of the Aneth Chapter's representatives appointed under Subsection
123 (3)(c)(ii) shall be staggered in accordance with this Subsection (6) so that only one position is
124 appointed by the governor in a year.

125 (iv) The terms of the Oljato Chapter's and the Dennehotso Chapter's representatives
126 appointed under Subsection (3)(d) shall be staggered in accordance with this Subsection (6) so
127 that only one position is appointed by the governor in a year.

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

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

- 133 (i) the committee member's appointment is terminated;
134 (ii) the position is vacant; and
135 (iii) the governor shall appoint a replacement.

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

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

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

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

144 (c) The Diné Advisory Committee shall:

- 145 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act;
146 (ii) ensure that its meetings are held at or near:

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

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

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

152 (8) A committee member may not receive compensation or benefits for the committee
153 member's service, but may receive per diem and travel expenses in accordance with[?] policy
154 adopted by the board.

155 [~~(a) Section 63A-3-106;~~]

156 [~~(b) Section 63A-3-107; and~~]

157 [~~(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and~~
158 ~~63A-3-107.]~~

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

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