

**MINUTES OF THE
NATIVE AMERICAN LEGISLATIVE LIAISON COMMITTEE**
Wednesday, October 13, 2004 – 8:30 a.m. – Room W110 – House Building

Members Present:

Sen. Beverly Ann Evans, Senate Chair
Rep. David N. Cox, House Chair
Sen. Ron Allen
Rep. Douglas C. Aagard
Rep. Eli H. Anderson
Rep. James R. Gowans
Rep. Brad King
Rep. Michael E. Noel

Members Absent:

Sen. Karen Hale
Sen. Bill Wright
Rep. DeMar “Bud” Bowman

Staff Present:

Mr. John Q. Cannon, Policy Analyst
Ms. Patricia Owen, Associate General Counsel
Ms. Wendy Bangerter, Legislative Secretary

Note: A list of others present and a copy of related materials can be found at www.leg.utah.gov or by contacting the committee secretary, Wendy Bangerter, at 538-1032. A recording of the meeting is available from the committee secretary.

1. Committee Business

Chair Evans called the meeting to order at 8:45 a.m.

MOTION: Rep. Anderson moved to approve the minutes of the June 9-10, 2004 meeting. The motion passed unanimously.

2. Coordination Between State and Tribal Entities

Mr. John Cannon briefed the Committee on the statutory requirements concerning the coordination of issues between tribes and certain state entities. He reviewed the statute and the evolution of the coordinating efforts.

Mr. Forrest Cuch, Director, Utah Division of Indian Affairs, expressed his appreciation for the legislation that encouraged tribal leaders to coordinate their efforts in Utah. He explained that over time, that effort has decreased, the tribal leaders now meet on their own, and no state departments have felt the obligation to report or coordinate with the tribal leaders. He recommended that the key departments be mandated to meet or report quarterly to tribal leaders; thereby, renewing and strengthening the relationship between the departments and the tribes.

Sen. Evans noted that the coordinating potential already exists in statute. She recommended a better communication effort be made by inviting those state department heads that have interest in specific issues and who are identified in the statute to tribal meetings. She suggested that: 1) an invitation from the co-chairs of the Native American Legislative Liaison Committee be sent to department heads for the next tribal leaders' meeting; 2) the co-chairs of the Native American Legislative Liaison Committee be invited and involved in the tribal meetings; and 3) follow-up efforts be made to consider issues derived from that coordinating effort.

MOTION: Rep. Gowans moved that a letter be sent from the co-chairs of the Native American Legislative Liaison Committee inviting certain department heads or their representative to attend tribal meetings and be involved in their dialogue. The motion passed unanimously.

3. Reports Required by Statute

Mr. Keith Burnett, Administrator of Uintah Basin Revitalization Fund and Navajo Revitalization Fund, joined Mr. John Harja, Uintah Basin Revitalization Fund Board Chair, in presenting the Uintah Basin Revitalization Fund, 2004 Legislative Report, which was previously distributed to the Committee. Mr. Harja highlighted the issue of where in the point of production line the severance tax is levied.

Sen. Evans challenged committee members to be open minded regarding the severance tax issue. She stated that it is impacting the state dramatically.

Mr. Burnett reviewed the function and structure of the Uintah Basin Revitalization Board. He reviewed the projects eligible to use the funds and those that are prohibited. He reviewed some of the projects in progress.

Mr. Cuch reviewed the Utah Division of Indian Affairs 2004 Annual Report previously distributed to the Committee. A history book published in 2000 "History of Utah's American Indians" was distributed to committee members. Mr. Cuch invited committee members to the upcoming "Indigenous Day." He also reviewed the Native American Remains Review Committee 2004 Annual Report and explained its on-going efforts. He reviewed their recommendations that funding be considered to cover costs associated with determining "cultural affiliation" by reputable cultural anthropologists.

4. Draft Legislation: "Amendments to Navajo Trust Fund"

Ms. Patricia Owen, explained the origin, purpose, and evolution of the Navajo Trust Fund. She explained the proposed legislation, "Amendments to Navajo Trust Fund" previously distributed to the Committee.

Mr. Tony Dayish, trust fund administrator, Utah Navajo Trust Fund, introduced members of the Dineh Committee and noted which chapters they represent. He expressed the concerns of the Dineh Committee board members that they are not eligible, by statute, for assistance from the Utah Navajo Trust Fund. He reviewed the checks and balances that could inhibit abuse of the fund if members of the Dineh Committee received those monies.

Mr. Leonard Lee, Chair, Dineh Committee, spoke in support of the Dineh Committee members receiving assistance from the Navajo Trust Fund. He requested that the statute be changed to allow that to happen.

Mr. Oscar Begay, school teacher in Mexican Hat and member of Dineh Committee, also spoke in support of the Dineh committee members receiving assistance from the Navajo Trust Fund.

Mr. Edward Tobaha, election coordinator for San Juan County and Dineh committee member, spoke to the need for members to be eligible to receive assistance from the Navajo Trust Fund. He stated that with the checks and balances in place, it could be a workable situation.

Sen. Evans explained the background of the statute, which included a legislative audit of the Navajo Trust Fund. She noted again the pending court case.

A copy of the summary of the audit was distributed to the Committee and audience.

Mr. Harja stated the possible conflict of interest involved and potential for abuse. He reviewed checks and balances.

The Committee discussed possible additional checks and balances.

A copy of the "Utah Navajo Trust Fund 2004 Annual Report" was distributed to the Committee.
Mr. Begay reviewed the report.

5. Other Items / Adjourn

MOTION: Rep. Anderson moved to adjourn the meeting. The motion passed unanimously.

Chair Evans adjourned the meeting at 11:00 a.m.