

UTAH DIVISION OF INDIAN AFFAIRS

AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Keele Johnson

AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; REMOVING OBSOLETE LANGUAGE AND REFERENCES; AMENDING PROVISIONS RELATED TO THE STRUCTURE AND OPERATIONS OF THE UTAH DIVISION OF INDIAN AFFAIRS; AND MAKING TECHNICAL CORRECTIONS.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **9-9-101**, as last amended by Chapter 195 and renumbered and amended by Chapter 241,
13 Laws of Utah 1992

14 **9-9-102**, as renumbered and amended by Chapter 241, Laws of Utah 1992

15 **9-9-103**, as last amended by Chapter 190 and renumbered and amended by Chapter 241,
16 Laws of Utah 1992

17 **9-9-104**, as last amended by Chapters 190, 195 and renumbered and amended by Chapter
18 241, Laws of Utah 1992

19 ENACTS·

20 9-9-104.5 Utah Code Annotated 1953

21 REPEALS

22 **9-9-106**, as last amended by Chapter 190 and renumbered and amended by Chapter 241,
23 Laws of Utah 1992.

²⁴ **9-9-109**, as last amended by Chapter 243, Laws of Utah 1996.

25 **9-9-110**, as last amended by Chapter 190 and renumbered and amended by Chapter 241,
26 I.S.U. 1, 1992.

27 *Position established by the Law of the Federation of the Republic of Uzbekistan*

28 Section 1. Section **9-9-101** is amended to read:

29 **9-9-101. Title -- Definitions.**

30 (1) This chapter is known as the "Utah Division of Indian Affairs Act."

31 (2) (a) As used in this chapter[: (1) "Committee" means the Utah Dineh Committee
32 ~~created in Section 63-88-107. (2) "Council" means the Utah Indian Cooperative Council created~~
33 ~~in Section 9-9-109. (3)] "division" means the Utah Division of Indian Affairs created in Section~~
34 ~~9-9-102.~~

35 (b) As used in this part "Indian tribe" or "tribe" means a tribe, band, nation, or other
36 organized group or community of Indians that is recognized as eligible for the special programs
37 and services provided by the United States to Indians because of their status as Indians.

38 [(4) "Subcommittee" means the Outreach Subcommittee created in Section 9-9-109.]

39 Section 2. Section **9-9-102** is amended to read:

40 **9-9-102. Division of Indian Affairs created -- Supervision by department.**

41 (1) There is created within the department a Utah Division of Indian Affairs. [The
42 ~~division, except as otherwise provided in this chapter, shall assume all of the functions, powers,~~
43 ~~duties, rights, and responsibilities of the Commission of State Indian Affairs, the Utah Committee~~
44 ~~on Indian Affairs, and the Board of Indian Affairs, together with all of the functions, powers,~~
45 ~~duties, rights, and responsibilities granted to the Division of Indian Affairs by this chapter.]~~

46 (2) The division shall be under the administration and general supervision of the
47 department.

48 Section 3. Section **9-9-103** is amended to read:

49 **9-9-103. Purpose.**

50 The division shall:

51 (1) develop programs that will allow Indian citizens residing on or off reservations an
52 opportunity to share in the progress of Utah;

53 (2) promote an atmosphere in which Indian citizens are provided alternatives so that
54 individual citizens may choose for themselves the kinds of lives they will live, both socially and
55 economically; [and]

56 (3) promote programs to help the tribes and Indian communities find and implement
57 solutions to their community problems; and

58 (4) promote government-to-government relations between the state and tribal governments.

59 Section 4. Section **9-9-104** is amended to read:

60 **9-9-104. Duties and powers.**

61 (1) The division shall:

62 (a) have all of the functions, powers, duties, rights, and responsibilities granted to it by this
63 chapter;

64 [(a) act as] (b) staff [to the council;] those committees or boards as specified in this
65 chapter; and

66 [(b) supervise the distribution and administration of funds expended by the council; and]

67 (c) [under the guidance and direction of the council, administer the council's authority in
68 coordinating and supervising] in accordance with policies set by state government, coordinate
69 relations between:

70 (i) the state[;];

71 (ii) tribal governments[, and];

72 (iii) other Indian groups[.]; and

73 (iv) federal agencies.

74 (2) [At the request of the council, the] The division may:

75 (a) contract with public and private entities to provide services or facilities;

76 (b) acquire and hold funds or other property for the administration of the [council's]
77 programs outlined in this chapter;

78 (c) make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
79 Act, that are necessary to carry out the duties of the division [and the council]; [and]

80 (d) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of
81 Indians[;]; and

82 (e) apply or dispose of those [donations] gifts, grants, devises, and property received under
83 Subsection (2)(d) for the use and benefit of Indians within the state [of Utah].

84 Section 5. Section **9-9-104.5** is enacted to read:

85 **9-9-104.5. Meetings with tribal leaders and Indian groups.**

86 (1) The division shall meet regularly with elected officials of Indian tribes located in whole
87 or in part in the state or individuals designated by elected officials of those tribes.

88 (2) (a) At least six times each year, the division shall coordinate and attend a joint meeting
89 of representatives of tribal governments of Indian tribes located in whole or in part in the state for

90 the purpose of coordinating the efforts of state and tribal governments in meeting the needs of the
91 Native Americans residing in the state.

92 (b) (i) The representatives to be included in the meeting described in Subsection (2)(a)
93 shall be selected as follows:

94 (A) an elected official of the Navajo Nation that resides in San Juan County selected by
95 the Navajo Nation government;

96 (B) an elected official of the Northern Ute tribe selected by the Ute Business Committee;

97 (C) an elected official of the Paiute Indian tribe selected by the Paiute Indian Tribal
98 Council;

99 (D) an elected official of the Northwestern Board of Shoshoni Nation that resides in
100 Northern Utah selected by the Northwestern Band of Shoshoni Tribal Council;

101 (E) an elected official of the Ibapah Band of Goshute Indians that resides in Ibapah
102 selected by the Goshute Indian Tribal Council;

103 (F) an elected official of the Skull Valley Band of Goshute Indians selected by the Goshute
104 Indian Tribal Council;

105 (G) an elected official of the White Mesa Ute Tribe that resides in the state selected by the
106 White Mesa Ute Council; and

107 (H) an elected official of the San Juan Southern Paiute Tribe selected by the San Juan
108 Southern Paiute tribal government.

109 (ii) Notwithstanding Subsection (2)(b)(i), if an elected official of an Indian tribe provides
110 notice to the division, the Indian tribe may designate an individual other than the elected official
111 selected under Subsection (2)(b)(i) to represent the Indian tribe at a meeting held under Subsection
112 (2)(a).

113 (c) A meeting held in accordance with Subsection (2)(a) is subject to Title 52, Chapter 4,
114 Open and Public Meetings;

115 (d) (i) The representative selected under Subsection (2)(b) that attends a meeting held in
116 accordance with Subsection (2)(a) who does not receive compensation, per diem, or expenses from
117 the tribal government specifically for the representative's attendance at that meeting may receive
118 per diem and expenses incurred in attending the meeting at the rates established by the Division
119 of Finance under Sections 63A-3-106 and 63A-3-107.

120 (ii) A representative of a tribal government that attends a meeting held in accordance with

121 Subsection (2)(a) may decline to receive per diem and expenses for the representative's attendance.
122 (iii) For each meeting, only one individual from each tribe may receive per diem and
123 expenses, as provided in Subsection (2)(d).

124 (3) The division may meet as necessary with Indian groups other than tribal governments
125 representing the interests of Native Americans who are citizens of the state residing on or off
126 reservation land.

127 Section 6. **Repealer.**

128 This act repeals:

129 Section **9-9-106, Department supervision**

130 Section **9-9-109, Utah Indian Cooperative Council -- Members -- Terms -- Vacancies**
131 **-- Chair -- Quorum -- Per diem and expenses -- Outreach Subcommittee.**

132 Section **9-9-110, Purpose of the council.**

**Legislative Review Note
as of 12-15-98 1:34 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel