

**INDIAN AFFAIRS AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Beverly Ann Evans**

**This act modifies provisions of the Utah Division of Indian Affairs Act related to meetings between the division and tribal leaders including clarifying when the open and public meetings requirements apply and allowing specified state agencies to participate in certain meetings. This act repeals the State Native American Coordinating Board. This act makes technical changes.**

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

AMENDS:

**9-9-104.5**, as enacted by Chapter 50, Laws of Utah 1999

ENACTS:

**9-9-104.6**, Utah Code Annotated 1953

REPEALS:

**9-9-111**, as last amended by Chapter 64, Laws of Utah 2000

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

Section 1. Section **9-9-104.5** is amended to read:

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

(1) The division shall meet regularly with:

(a) elected officials of Indian tribes located in whole or in part in the state; or

(b) individuals designated by elected officials of ~~those~~ the tribes described in

Subsection (1)(a).

(2) (a) ~~[At]~~ Subject to Section 9-9-104.6, at least six times each year, the division shall coordinate and attend a joint meeting of the representatives of tribal governments ~~[of Indian tribes located in whole or in part in the state]~~ listed in Subsection (2)(b) for the purpose of coordinating the efforts of state and tribal governments in meeting the needs of the Native



28 Americans residing in the state.

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

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

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

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

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

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

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

43 (G) an elected official of the White Mesa Ute Tribe that resides in [~~the state~~] Utah  
44 selected by the White Mesa Ute Council; and

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

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

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

53 (ii) A meeting of representatives listed in Subsection (2)(b) is not subject to the  
54 requirements of Title 52, Chapter 4, Open and Public Meetings, notwithstanding whether it is  
55 held on the same day as a meeting held in accordance with Subsection (2)(a) if:

56 (A) the division does not coordinate the meeting described in this Subsection (2)(c)(ii);

57 (B) no state agency participates in the meeting described in this Subsection (2)(c)(ii);

58 (C) a representative receives no per diem or expenses under this section for attending

59 the meeting described in this Subsection (2)(c)(ii) that in addition to any per diem or expenses  
 60 the representative receives under Subsection (2)(d) for attending a meeting described in  
 61 Subsection (2)(a); and

62 (D) the meeting described in this Subsection (2)(c)(ii) is not held:

63 (I) after a meeting described in Subsection (2)(a) begins; and

64 (II) before the meeting described in Subsection (2)(c)(ii)(D)(I) adjourns.

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

70 (ii) A representative of a tribal government that attends a meeting held in accordance  
 71 with Subsection (2)(a) may decline to receive per diem and expenses for the representative's  
 72 attendance.

73 (iii) For each meeting, only one individual from each tribe may receive per diem and  
 74 expenses, as provided in Subsection (2)(d).

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

78 Section 2. Section **9-9-104.6** is enacted to read:

79 **9-9-104.6. Participation of state agencies in meetings with tribal leaders.**

80 (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the  
 81 division shall coordinate with representatives of tribal governments and the entities listed in  
 82 Subsection (2) to provide for the broadest participation possible in the joint meetings.

83 (2) The following may participate in all meetings described in Subsection (1):

84 (a) the chairs of the Native American Legislative Liaison Committee created in Section  
 85 36-22-1;

86 (b) the governor or the governor's designee;

87 (c) a representative appointed by the chief administrative officer of the following:

88 (i) the Department of Health;

89 (ii) the Department of Human Services;

90 (iii) the Department of Workforce Services;

91 (iv) the State Office of Education; and

92 (v) the State Board of Regents.

93 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:

94 (i) designate by no later than July 1, 2003 the name of a contact person for that agency  
95 that can assist in coordinating the efforts of state and tribal governments in meeting the needs  
96 of the Native Americans residing in the state; and

97 (ii) notify the division:

98 (A) who is the designated contact person described in Subsection (3)(a)(i); and

99 (B) of any change in who is the designated contact person described in Subsection  
100 (3)(a)(i).

101 (b) This Subsection (3) applies to the:

102 (i) Department of Agriculture and Food;

103 (ii) Department of Community and Economic Development;

104 (iii) Department of Corrections;

105 (iv) Department of Environmental Quality;

106 (v) Department of Natural Resources;

107 (vi) Department of Public Safety;

108 (vii) Department of Transportation;

109 (viii) Office of the Attorney General; and

110 (ix) State Tax Commission.

111 (c) At the request of the division, a contact person listed in Subsection (3)(b) may  
112 participate in a meeting described in Subsection (1).

113 (4) (a) Salaries and expenses of a legislator participating in accordance with this  
114 section in a meeting described in Subsection (1) shall be paid in accordance with Section  
115 36-2-2 and Joint Rule 15.03.

116 (b) A state government officer or employee may receive per diem and expenses at the  
117 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107 for  
118 participating in a meeting described in Subsection (1) if the officer or employee:

119 (i) participates in the meeting in accordance with this section; and

120 (ii) does not receive salary, per diem, or expenses from the officer's or employee's

121 agency for participating in the meeting.

122 (c) A state government officer or employee that participates in a meeting described in

123 Subsection (1) may decline to receive per diem and expenses for participating in the meeting.

124 Section 3. **Repealer.**

125 This act repeals:

126 Section **9-9-111, State coordinating board -- Chair -- Quorum -- Creation -- Power**

127 **-- Duties.**

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**Legislative Review Note**  
**as of 1-13-03 6:04 PM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0100**

**Indian Affairs Amendments**

*21-Jan-03*

*7:56 AM*

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**State Impact**

Costs can be absorbed within existing budgets.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**