

1 **COORDINATION WITH TRIBAL LEADERS**

2 **AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Beverly Ann Evans**

6 House Sponsor: John G. Mathis

7

LONG TITLE

8 **General Description:**

9 This bill modifies the Utah Division of Indian Affairs Act to address meetings with
10 tribal leaders and agency contacts.
11

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ decreases the number of meetings the division is to coordinate and attend with tribal
15 leaders;
- 16 ▶ clarifies references to tribes and tribal governments;
- 17 ▶ expands the agencies encouraged to participate in the meetings;
- 18 ▶ modifies the agencies required to provide the division contact information; and
- 19 ▶ makes technical changes.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **9-9-104.5**, as last amended by Chapter 55, Laws of Utah 2003

27 **9-9-104.6**, as last amended by Chapter 148, Laws of Utah 2005



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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 the tribes described in Subsection

(1)(a).

(2) (a) Subject to Section 9-9-104.6, at least [~~six~~] five times each year, the division shall coordinate and attend a joint meeting of the representatives of tribal governments listed in Subsection (2)(b) for the purpose of coordinating the efforts of state and tribal governments in meeting the needs of the Native Americans residing in the state.

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

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

(B) an elected official of the [~~Northern Ute tribe~~] Ute Indian Tribe of the Uintah and Ouray Reservation selected by the [~~Ute~~] Uintah and Ouray Tribal Business Committee;

(C) an elected official of the Paiute Indian [~~tribe~~] Tribe of Utah selected by the Paiute Indian Tribe of Utah Tribal Council;

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

(E) an elected official of the [~~Ibapah Band~~] Confederate Tribes of Goshute [~~Indians~~] Reservation that resides in Ibapah selected by the Goshute [~~Indian Tribal~~] Business Council;

(F) an elected official of the Skull Valley Band of Goshute Indians selected by the Goshute Indian Tribal [~~Council~~] Executive Committee;

(G) an elected official of the Ute Mountain Ute Tribe that resides in Utah selected by the Ute Mountain Ute Tribal Council; and

(H) an elected official of the San Juan Southern Paiute Tribe selected by the San Juan Southern Paiute [~~tribal government~~] Tribal Council.

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

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

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

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

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

70 (C) a representative receives no per diem or expenses under this section for attending
71 the meeting described in this Subsection (2)(c)(ii) that is in addition to any per diem or
72 expenses the representative receives under Subsection (2)(d) for attending a meeting described
73 in Subsection (2)(a); and

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

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

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

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

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

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

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

90 Section 2. Section **9-9-104.6** is amended to read:

91 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**

92 **Contact information.**

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

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

97 (a) the chairs of the Native American Legislative Liaison Committee created in Section
98 36-22-1;

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

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

101 (i) the Department of Health;

102 (ii) the Department of Human Services;

103 (iii) the Department of Natural Resources;

104 [~~(iii)~~] (iv) the Department of Workforce Services;

105 (v) the Governor's Office of Economic Development;

106 [~~(iv)~~] (vi) the State Office of Education; and

107 [~~(v)~~] (vii) the State Board of Regents.

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

109 (i) designate the name of a contact person for that agency that can assist in coordinating
110 the efforts of state and tribal governments in meeting the needs of the Native Americans
111 residing in the state; and

112 (ii) notify the division:

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

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

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

117 (i) Department of Agriculture and Food;

118 (ii) Department of Community and Culture;

119 (iii) Department of Corrections;

120 (iv) Department of Environmental Quality;

121 [~~(v)~~ Department of Natural Resources;]
 122 [~~(vi)~~] (v) Department of Public Safety;
 123 [~~(vii)~~] (vi) Department of Transportation;
 124 [~~(viii)~~] (vii) Office of the Attorney General; [~~and~~]
 125 [~~(ix)~~] (viii) State Tax Commission; and
 126 (ix) any agency described in Subsection (2)(c).

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

129 (4) (a) Salaries and expenses of a legislator participating in accordance with this
 130 section in a meeting described in Subsection (1) shall be paid in accordance with Section
 131 36-2-2 and Joint Rule 15.03.

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

- 135 (i) participates in the meeting in accordance with this section; and
- 136 (ii) does not receive salary, per diem, or expenses from the officer's or employee's
 137 agency for participating in the meeting.

138 (c) A state government officer or employee that participates in a meeting described in
 139 Subsection (1) may decline to receive per diem and expenses for participating in the meeting.

Legislative Review Note
 as of 11-2-05 10:22 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Legislative Committee Note
 as of 12-21-05 10:04 AM

The Native American Legislative Liaison Committee recommended this bill.