

1 **TRIBAL LEADERS DESCRIPTION AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jani Iwamoto**

5 House Sponsor: Douglas V. Sagers

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses tribal leaders.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends the tribal leaders with which the Division of Indian Affairs is to coordinate
- 13 meetings; and
- 14 ▶ makes technical and conforming amendments.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **9-9-104.5**, as last amended by Laws of Utah 2013, Chapter 203

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

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

25 **9-9-104.5. Meetings with Tribal Leaders and Native American Indian**
26 **organizations.**

27 (1) The division shall meet regularly with:

28 (a) elected officials of Indian Tribal Nations located in whole or in part in the state; or

29 (b) individuals designated by elected officials of the Indian Tribal Nations described in

30 Subsection (1)(a).

31 (2) (a) Subject to Section 9-9-104.6, at least six times each year, the division shall
32 coordinate and attend a joint meeting of the representatives of tribal governments listed in
33 Subsection (2)(b) for the purpose of coordinating the efforts of state and tribal governments in
34 meeting the needs of the Native American Indians residing in Utah.

35 (b) (i) The representatives to be included in the meeting described in Subsection (2)(a)
36 shall be elected officials, serve as representatives for their entire elected term, and be selected
37 as follows:

38 ~~[(A) as a nonvoting member, an elected official of the Navajo Nation, Window Rock,~~
39 ~~Arizona, selected by the Navajo Nation, if the Navajo Nation chooses to select an elected~~
40 ~~official;]~~

41 ~~[(B)]~~ (A) ~~[the]~~ an elected Navajo Nation council delegate ~~[that]~~ who resides in Utah or
42 Arizona and represents ~~[the]~~ at least one Utah Navajo ~~[Chapters]~~ Chapter, as defined in Section
43 35A-8-1702, ~~[if the council delegate resides in San Juan County, Utah, or if the council~~
44 ~~delegate does not reside in San Juan County, Utah, a president of a Utah Navajo Chapter~~
45 ~~selected by the presidents of the Utah Navajo Chapters]~~ selected by the President of the Navajo
46 Nation;

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

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

51 ~~[(E)]~~ (D) an elected official of the Northwestern Band of the Shoshone Nation that
52 resides in Utah or Idaho selected by the Northwestern Band of the Shoshone Nation Tribal
53 Council;

54 ~~[(F)]~~ (E) an elected official of the Confederated Tribes of the Goshute selected by the
55 Confederated Tribes of the Goshute Reservation Tribal Council;

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

58 ~~[(H) as a nonvoting member, an elected official of the Ute Mountain Ute Tribe,~~
59 ~~Colorado, selected by the Ute Mountain Ute Tribal Nation, if the Ute Mountain Ute Tribal~~
60 ~~Nation chooses to select an elected official;]~~

61 ~~[(F)]~~ (G) an elected official of the Ute Mountain Ute Tribe that resides in Utah or
62 Colorado selected by the Ute Mountain Ute Tribal Council; and

63 ~~[(F)]~~ (H) an elected official of the San Juan Southern Paiute Tribe, residing in Utah or
64 Arizona, selected by the San Juan Southern Paiute Tribal Council.

65 (ii) Notwithstanding Subsection (2)(b)(i), if an elected official of an Indian Tribal
66 Nation provides notice to the division, the Indian Tribal Nation may designate an individual
67 other than the elected official selected under Subsection (2)(b)(i) to represent the Indian Tribal
68 Nation at an individual meeting held under Subsection (2)(a).

69 (iii) A majority of ~~[voting]~~ members listed in Subsection (2)(b)(i) constitutes a quorum
70 for purposes of a meeting held under Subsection (2)(a). An action of a majority of ~~[voting]~~
71 members present when a quorum is present constitutes action of the representatives for
72 purposes of a meeting described in Subsection (2)(a).

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

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

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

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

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

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

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

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

87 (d) A representative of a tribal government that attends a meeting held in accordance
88 with Subsection (2)(a) may not receive compensation or benefits for the representative's
89 service, but may receive per diem and travel expenses in accordance with:

90 (i) Section 63A-3-106;

91 (ii) Section 63A-3-107; and

92 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
93 63A-3-107.

94 (e) For a meeting described in Subsection (2)(a), only the individuals described in
95 Subsection (2)(b) may receive per diem and expenses, as provided in Subsection (2)(d).

96 (3) The division may meet as necessary with Native American Indian groups other than
97 tribal governments representing the interests of Native American Indians who are citizens of
98 the state residing on or off reservation land.