

TRIBAL LEADERS DESCRIPTION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: Douglas V. Sagers

LONG TITLE

Committee Note:

The Native American Legislative Liaison Committee recommended this bill.

Legislative Vote: 5 voting for 0 voting against 3 absent

General Description:

This bill addresses tribal leaders.

Highlighted Provisions:

This bill:

▶ amends the tribal leaders with which the Division of Indian Affairs is to coordinate meetings; and

▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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



28 **9-9-104.5. Meetings with Tribal Leaders and Native American Indian**
29 **organizations.**

30 (1) The division shall meet regularly with:

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

32 (b) individuals designated by elected officials of the Indian Tribal Nations described in
33 Subsection (1)(a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
96 63A-3-107.

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

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