

1 **OFFICE OF AMERICAN INDIAN-ALASKA NATIVE**

2 **AFFAIRS**

3 2022 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jani Iwamoto**

6 House Sponsor: Christine F. Watkins

7

8 **LONG TITLE**

9 **Committee Note:**

10 The Native American Legislative Liaison Committee recommended this bill.

11 Legislative Vote: 10 voting for 0 voting against 1 absent

12 **General Description:**

13 This bill creates the Office of American Indian-Alaska Native Affairs within the
14 Department of Health and Human Services.

15 **Highlighted Provisions:**

16 This bill:

- 17 ▶ defines terms;
- 18 ▶ creates the Office of American Indian-Alaska Native Affairs within the Department
- 19 of Health and Human Services;
- 20 ▶ moves the American Indian-Alaska Native Health Office and the American
- 21 Indian-Alaska Native Health Liaison to the Office of American Indian-Alaska
- 22 Native Affairs;
- 23 ▶ requires the executive directors of the Department of Health and the Department of
- 24 Human Services to jointly appoint:
 - 25 • a director of the Office of American Indian-Alaska Native Affairs;
 - 26 • an Indian Child Welfare Act Liaison; and
 - 27 • an American Indian-Alaska Native Health Liaison;



- 28 ▶ requires the Indian Child Welfare Act Liaison and the director of the Office of
- 29 American Indian-Alaska Native Affairs to meet certain qualifications;
- 30 ▶ defines the duties of the Office of American Indian-Alaska Native Affairs and the
- 31 Indian Child Welfare Act Liaison;
- 32 ▶ modifies the duties of the American Indian-Alaska Native Health Liaison;
- 33 ▶ creates reporting requirements; and
- 34 ▶ makes technical and conforming changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 This bill provides a special effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **9-9-104.6**, as last amended by Laws of Utah 2021, Chapters 184 and 282

42 ENACTS:

43 **26B-1-301**, Utah Code Annotated 1953

44 **26B-1-302**, Utah Code Annotated 1953

45 **26B-1-303**, Utah Code Annotated 1953

46 **26B-1-304**, Utah Code Annotated 1953

47 **26B-1-305**, Utah Code Annotated 1953

48 **26B-1-307**, Utah Code Annotated 1953

49 **26B-1-308**, Utah Code Annotated 1953

50 RENUMBERS AND AMENDS:

51 **26B-1-306**, (Renumbered from 26-7-2.5, as last amended by Laws of Utah 2020,

52 Chapter 236)



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

55 Section 1. Section **9-9-104.6** is amended to read:

56 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**

57 **Contact information.**

58 (1) For at least three of the joint meetings described in Subsection **9-9-104.5(2)(a)**, the

59 division shall coordinate with representatives of tribal governments and the entities listed in
60 Subsection (2) to provide for the broadest participation possible in the joint meetings.

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

62 (a) the chairs of the Native American Legislative Liaison Committee created in Section
63 [36-22-1](#);

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

65 (c) the American Indian-Alaska Native Health Liaison appointed in accordance with
66 Section [~~26-7-2.5~~] [26B-1-306](#);

67 (d) the American Indian-Alaska Native Public Education Liaison appointed in
68 accordance with Section [53F-5-604](#); and

69 (e) a representative appointed by the chief administrative officer of the following:

70 (i) the Department of Human Services;

71 (ii) the Department of Natural Resources;

72 (iii) the Department of Workforce Services;

73 (iv) the Governor's Office of Economic Opportunity;

74 (v) the State Board of Education; and

75 (vi) the Utah Board of Higher Education.

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

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

80 (ii) notify the division:

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

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

84 (b) This Subsection (3) applies to:

85 (i) the Department of Agriculture and Food;

86 (ii) the Department of Cultural and Community Engagement;

87 (iii) the Department of Corrections;

88 (iv) the Department of Environmental Quality;

89 (v) the Department of Public Safety;

- 90 (vi) the Department of Transportation;
- 91 (vii) the Office of the Attorney General;
- 92 (viii) the State Tax Commission; and
- 93 (ix) any agency described in Subsections (2)(c) through (e).

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

96 (4) (a) A participant under this section who is not a legislator may not receive
 97 compensation or benefits for the participant's service, but may receive per diem and travel
 98 expenses as allowed in:

- 99 (i) Section [63A-3-106](#);
- 100 (ii) Section [63A-3-107](#); and
- 101 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
 102 [63A-3-107](#).

103 (b) Compensation and expenses of a participant who is a legislator are governed by
 104 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
 105 Section 2. Section **26B-1-301** is enacted to read:

Part 3. Office of American Indian-Alaska Native Affairs

26B-1-301. Title.

This part is known as "Office of American Indian-Alaska Native Affairs."

Section 3. Section **26B-1-302** is enacted to read:

26B-1-302. Definitions.

As used in this part:

(1) "Director" means the director of the office appointed under Section [26B-1-304](#).

(2) "Health care" means care, treatment, service, or a procedure to improve, maintain,
 114 diagnose, or otherwise affect an individual's physical or mental condition.

(3) "Health liaison" means the American Indian-Alaska Native Health Liaison
 116 appointed under Section [26B-1-306](#).

(4) "ICWA liaison" means the Indian Child Welfare Act Liaison appointed under
 118 Section [26B-1-307](#).

(5) "Office" means the Office of American Indian-Alaska Native Affairs created in
 120 Section [26B-1-303](#).

121 Section 4. Section **26B-1-303** is enacted to read:

122 **26B-1-303. Office of American Indian-Alaska Native Affairs -- Creation --**

123 **Purpose.**

124 (1) There is created within the department the Office of American Indian-Alaska
125 Native Affairs.

126 (2) The purpose of the office is to oversee and coordinate department services for
127 Utah's American Indian-Alaska Native populations.

128 Section 5. Section **26B-1-304** is enacted to read:

129 **26B-1-304. Director of the office -- Appointment -- Qualifications -- Staff.**

130 (1) The executive director of the Department of Health and the executive director of
131 the Department of Human Services shall jointly appoint a director of the office who:

132 (a) has a bachelor's degree from an accredited university or college;

133 (b) is experienced in administration; and

134 (c) is knowledgeable about the areas of American Indian-Alaska Native practices.

135 (2) The director is the administrative head of the office and shall serve under the joint
136 supervision of the executive directors.

137 (3) The executive directors may hire staff as necessary to carry out the duties of the
138 office described in Section [26B-1-305](#).

139 Section 6. Section **26B-1-305** is enacted to read:

140 **26B-1-305. Duties of the office.**

141 The office shall:

142 (1) oversee and coordinate department services for Utah's American Indian-Alaska
143 Native populations;

144 (2) conduct regular and meaningful consultation with Indian tribes when there is a
145 proposed department action that has an impact on an Indian tribe as a sovereign entity;

146 (3) monitor agreements between the department and Utah's American Indian-Alaska
147 Native populations; and

148 (4) oversee the health liaison and ICWA liaison.

149 Section 7. Section **26B-1-306**, which is renumbered from Section 26-7-2.5 is
150 renumbered and amended to read:

151 **[~~26-7-2.5~~]. 26B-1-306. American Indian-Alaska Native Health Liaison --**

152 **Appointment -- Duties.**

153 ~~[(1) As used in this section:]~~

154 ~~[(a) "Health care" means care, treatment, service, or a procedure to improve, maintain,~~
155 ~~diagnose, or otherwise affect an individual's physical or mental condition.]~~

156 ~~[(b) "Liaison" means the American Indian-Alaska Native Health Liaison appointed~~
157 ~~under this section.]~~

158 ~~[(2) The executive director shall:]~~

159 ~~[(a) establish an office to address health care of Utah's American Indian-Alaska Native~~
160 ~~population on and off reservations; and]~~

161 ~~[(b) appoint an individual as the American Indian-Alaska Native Health Liaison who~~
162 ~~serves as the administrative head of the office under the supervision of the executive director.]~~

163 ~~[(3) The office shall on behalf of the executive director and the department:]~~

164 (1) (a) The executive director of the Department of Health and the executive director of
165 the Department of Human Services shall jointly appoint an individual as the American
166 Indian-Alaska Native Health Liaison.

167 (b) The health liaison shall serve under the supervision of the director.

168 (2) The health liaison shall:

169 (a) promote and coordinate collaborative efforts between the department and Utah's
170 American Indian-Alaska Native population to improve the availability and accessibility of
171 quality health care impacting Utah's American Indian-Alaska Native populations on and off
172 reservations;

173 (b) interact with the following to improve health disparities for Utah's American
174 Indian-Alaska Native populations:

175 (i) tribal health programs;

176 (ii) local health departments;

177 (iii) state agencies and officials; and

178 (iv) providers of health care in the private sector;

179 (c) facilitate education, training, and technical assistance regarding public health and
180 medical assistance programs to Utah's American Indian-Alaska Native populations; and

181 (d) staff an advisory board by which Utah's tribes may consult with state and local
182 agencies for the development and improvement of public health programs designed to address

183 improved health care for Utah's American Indian-Alaska Native populations on and off the
184 reservation.

185 ~~[(4) The liaison shall annually report the office's activities and accomplishments to the~~
186 ~~Native American Legislative Liaison Committee created in Section [36-22-1](#).]~~

187 Section 8. Section **26B-1-307** is enacted to read:

188 **26B-1-307. Indian Child Welfare Act Liaison -- Appointment -- Qualifications --**
189 **Duties.**

190 (1) (a) The executive director of the Department of Health and the executive director of
191 the Department of Human Services shall jointly appoint an individual as the Indian Child
192 Welfare Act Liaison who:

193 (i) has a bachelor's degree from an accredited university or college; and

194 (ii) is knowledgeable about the areas of child and family services and Indian Tribal
195 child rearing practices.

196 (b) The ICWA liaison shall serve under the supervision of the director.

197 (2) The ICWA liaison shall:

198 (a) act as a liaison between the department and Utah's American Indian populations
199 regarding child and family services;

200 (b) provide training to department employees regarding the requirements and
201 implementation of the Indian Child Welfare Act, 25 U.S.C. Secs. 1901-1963;

202 (c) develop and facilitate education and technical assistance programs for Utah's
203 American Indian populations regarding available child and family services;

204 (d) promote and coordinate collaborative efforts between the department and Utah's
205 American Indian population to improve the availability and accessibility of quality child and
206 family services for Utah's American Indian populations; and

207 (e) interact with the following to improve delivery and accessibility of child and family
208 services for Utah's American Indian populations:

209 (i) state agencies and officials; and

210 (ii) providers of child and family services in the public and private sector.

211 Section 9. Section **26B-1-308** is enacted to read:

212 **26B-1-308. Liaison reporting.**

213 The health liaison and the ICWA liaison shall annually report the liaisons' respective

214 activities and accomplishments to the Native American Legislative Liaison Committee created
215 in Section [36-22-1](#).

216 Section 10. **Effective date.**

217 This bill takes effect on July 1, 2022.