

BILL ANALYSIS

C.S.H.B. 1562
By: Chavez
Border and International Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Over one thousand City of El Paso residents live on Indian tribal land but are unable to receive city services because of questions regarding the ability of local governments to enter into contracts with a tribe.

House Bill 1562 authorizes a local government to contract with a federally recognized Indian tribe whose reservation is located within the state to perform local governmental functions and services.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1 Amends Section 791.011(a), Government Code, authorizing a local government to contract or agree with a federally recognized Indian tribe, as listed by the United State secretary of the interior under 25 U.S.C Section 4791a-1, whose reservation is located within the boundaries of Texas to perform governmental functions and services in accordance with Chapter 791, Government Code.

Adds Subsection 791.011(b-1), Government Code, stating that a local government authorized to enter into an interlocal contract under Section 791.011, Government Code, may not contract with an Indian tribe that is not federally recognized or whose reservation is not located within the boundaries of Texas.

SECTION 2 Effective dates.

EFFECTIVE DATE

The bill takes effect immediately if it receives a vote of two-thirds of all members elected to each house. Otherwise, the bill takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original version of the bill granted the Ysleta del Sur Pueblo Indian tribe the authority to contract with a local government to perform governmental functions and services. The tribe already has such authority; furthermore, the State can not confer such authority on the tribe since the United States Congress has province over Indian tribes.

The substitute corrects the drafting error in the original version by clarifying a local government's authority to enter into interlocal contracts with a federally recognized Indian tribe whose reservation is located in Texas.