

By: Chavez

H.B. No. 2464

A BILL TO BE ENTITLED

AN ACT

RELATING TO INTERGOVERNMENTAL AFFAIRS BETWEEN THE STATE OF TEXAS
AND FEDERALLY RECOGNIZED INDIAN TRIBES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 405, Government Code, is amended by
adding Subchapter D to read as follows:

SUBCHAPTER D. STATE TRIBAL COLLABORATION ACT

Sec. 405.151. SHORT TITLE.--This act may be cited as the
"State-Tribal Collaboration Act."

Sec. 405.152. DEFINITIONS.--As used in the State-Tribal
Collaboration Act:

A. "American Indian or Alaska Native" means:

(1) individuals who are members of any federally
recognized Indian tribe;

(2) individuals who would meet the definition of
"Indian" pursuant to 18 USC 1153; or

(3) individuals who have been deemed eligible for
services and programs provided to American Indians and Alaska
Natives by the United States public health service, the bureau of
Indian affairs or other federal programs;

B. "Indian tribe" located wholly or partially in Texas; and

C. "state agency" means an agency, department or office of
the state of Texas.

Sec. 405.153. COLLABORATION WITH INDIAN TRIBES.--

1 A. By December 31, 2009, every state agency shall develop
2 and implement a policy that:

3 (1) promotes effective communication and
4 collaboration between the state agency and Indian tribes;

5 (2) promotes positive government-to-government
6 relations between the state and Indian tribes;

7 (3) promotes cultural competency in providing
8 effective services to American Indians or Alaska Natives; and

9 (4) establishes a method for notifying employees of
10 the state agency of the provisions of the State-Tribal
11 Collaboration Act and the policy that the state agency adopts
12 pursuant to this section.

13 B. In the process for developing the policy set forth in
14 Subsection A of this section, state agencies shall consult with
15 representatives designated by the Indian tribes.

16 C. A state agency shall collaborate with Indian tribes in
17 the development and implementation of policies, agreements and
18 programs of the state agency that directly affect American Indians
19 or Alaska Natives.

20 D. Every state agency shall dedicate a full-time-equivalent
21 position as a tribal liaison, who reports directly to the office of
22 the head of the state agency, to:

23 (1) assist the head of the state agency with
24 developing and ensuring the implementation of the policy as set
25 forth in Subsection A of this section;

26 (2) serve as a contact person who shall maintain
27 ongoing communication between the state agency and affected Indian

1 tribes; and

2 (3) ensure that training is provided to the Staff of
3 the state agency as set forth in Subsection B of Section 4 of the
4 State-Tribal Collaboration Act. Nothing in this subsection shall
5 preclude tribal liaisons from providing or facilitating additional
6 training.

7 Sec. 405.154. ANNUAL SUMMIT--TRAINING OF STATE
8 EMPLOYEES--ANNUAL REPORTS.

9 A. At least once a year, during the third quarter of the
10 state's fiscal year, the governor shall meet with the leaders of
11 Indian tribes in a state-tribal summit to address issues of mutual
12 concern.

13 B. All state agency managers and employees who have ongoing
14 communication with Indian tribes shall complete a training provided
15 by the state personnel office with assistance from the Indian
16 affairs department, which training supports:

17 (1) the promotion of effective communication and
18 collaboration between state agencies and Indian tribes

19 (2) the development of positive state-tribal
20 government-to-government relations; and

21 (3) cultural competency in providing effective
22 services to American Indian or Alaska Natives.

23 C. No later than July 31 of every year, a state agency shall
24 submit a report to the Governor on the activities of the state
25 agency pursuant to the State-Tribal Collaboration Act This report
26 shall include:

27 (1) the policy the state agency adopted pursuant to

1 the State-Tribal Collaboration Act;

2 (2) the names of and contact information for the
3 individuals in the state agency who are responsible for developing
4 and implementing programs of the state agency that directly affect
5 American Indians or Alaska Natives;

6 (3) the current and planned efforts of the state
7 agency to implement the policy set forth in Subsection A of this
8 section;

9 (4) a certification by the state personnel office of
10 the number of managers and employees of each state agency who have
11 completed the training required by Subsection B of this section;

12 (5) a description of current and planned programs and
13 services provided to or directly affecting American Indians or
14 Alaska Natives and the amount of funding for each program; and

15 (6) the method the state agency established for
16 notifying employees of the state agency of the provisions of the
17 State-Tribal Collaboration Act.

18 Sec. 405.155. RIGHT OF ACTION.--Nothing in the State-Tribal
19 Collaboration Act creates a right of action against a state agency
20 or a right of review of an action of a state agency or waive State or
21 Tribal Immunity.

22 Sec. 405.156. SEVERABILITY.--If any part or application of
23 this act is held invalid, the remainder or its application to other
24 situations or persons shall not be affected.

25 Section 7. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 2464

1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2009.