

## **BILL ANALYSIS**

C.S.H.B. 941  
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State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, there are three federally recognized tribes in Texas: the Alabama-Coushatta Tribes, the Kickapoo Traditional Tribe of Texas, and the Ysleta Del Sur Pueblo of Texas. Federal recognition grants these three tribes both the right and the authority to regulate activities on their lands independently from state government control. Interested parties contend there is a need to improve and strengthen governmental relations between these three federally recognized tribes and Texas' state government. C.S.H.B. 941 seeks to improve and strengthen state-tribal relations by promoting increased communication and collaboration and providing regular opportunities for the governor and tribal leaders to discuss issues of mutual concern and develop stronger relationships.

### **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**

C.S.H.B. 941 amends the Government Code to require each state agency to collaborate with Indian tribes when developing and implementing agency policies, agreements, and programs that directly affect American Indians. The bill requires each state agency whose policies, agreements, and programs directly affect American Indians to promote effective communication and collaboration between the agency and Indian tribes, to promote positive intergovernmental relations between the state and Indian tribes, to promote cultural competency in effectively providing services to American Indians, and to report annually to the governor and the legislature regarding the agency's actions toward such collaboration. The bill requires such a state agency to develop, with the assistance of a representative of an Indian tribe, a training program that encourages effective communication and collaboration between the agency and Indian tribes and that includes the promotional activities required of such agency. The bill authorizes a state agency to require an employee to attend the training program.

C.S.H.B. 941 requires the governor or the governor's designee, not later than the last day of the third quarter of each state fiscal year, to meet with the leaders of Indian tribes in a state-tribal summit to address issues of mutual concern. The bill expressly states that nothing in its provisions creates a right of action against a state agency or waives state or tribal immunity.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 941 may differ from the original in nonsubstantive ways, the following

comparison is organized and highlighted in a manner that indicates the substantive differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. This Act may be cited as the State-Tribal Collaboration Act.

SECTION 2. Subtitle E, Title 4, Government Code, is amended by adding Chapter 471.

#### CHAPTER 471. STATE COLLABORATION WITH INDIAN TRIBES

Sec. 471.001. DEFINITIONS.

Sec. 471.002. COLLABORATION WITH INDIAN TRIBES; AGENCY POLICY; REPORT.

Sec. 471.003. TRAINING.

Sec. 471.004. ANNUAL SUMMIT. Not later than the last day of the third quarter of each state fiscal year, the governor shall meet with the leaders of Indian tribes in a state-tribal summit to address issues of mutual concern. If the governor is not available due to an emergency, the governor may designate an employee of the governor's office, a member of the legislature, or an employee of an appropriate state agency to attend the summit.

Sec. 471.005. RIGHT OF ACTION.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Subtitle E, Title 4, Government Code, is amended by adding Chapter 471.

#### CHAPTER 471. STATE COLLABORATION WITH INDIAN TRIBES

Sec. 471.001. DEFINITIONS.

Sec. 471.002. COLLABORATION WITH INDIAN TRIBES; AGENCY POLICY; REPORT.

Sec. 471.003. TRAINING.

Sec. 471.004. ANNUAL SUMMIT. Not later than the last day of the third quarter of each state fiscal year, the governor or the governor's designee and the leaders of Indian tribes shall meet in a state-tribal summit to address issues of mutual concern.

Sec. 471.005. RIGHT OF ACTION.

SECTION 3. Same as introduced version.