

By: M. Gonzalez of El Paso, Nevarez, White

H.B. No. 941

Substitute the following for H.B. No. 941:

By: Oliveira

C.S.H.B. No. 941

A BILL TO BE ENTITLED

1 AN ACT

2 relating to state collaboration with federally recognized Indian
3 tribes.

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

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

7 SECTION 2. Subtitle E, Title 4, Government Code, is amended
8 by adding Chapter 471 to read as follows:

9 CHAPTER 471. STATE COLLABORATION WITH INDIAN TRIBES

10 Sec. 471.001. DEFINITIONS. In this chapter:

11 (1) "American Indian" means an individual who is:

12 (A) a member of a federally recognized Indian
13 tribe; or

14 (B) eligible for federal services and programs
15 provided to American Indians, including services and programs
16 provided by the United States Department of Health and Human
17 Services and the Bureau of Indian Affairs.

18 (2) "Indian tribe" or "tribe" means a federally
19 recognized tribe, band, pueblo, or community of American Indians
20 located wholly or partially in this state.

21 (3) "State agency" means an agency, department,
22 office, or other entity in the executive, legislative, or judicial
23 branch of state government and includes an institution of higher
24 education, as defined by Section 61.003, Education Code.

1 Sec. 471.002. COLLABORATION WITH INDIAN TRIBES; AGENCY
2 POLICY; REPORT. (a) Each state agency shall collaborate with
3 Indian tribes when developing and implementing agency policies,
4 agreements, and programs that directly affect American Indians.

5 (b) Each state agency whose policies, agreements, and
6 programs directly affect American Indians shall:

7 (1) promote effective communication and collaboration
8 between the state agency and Indian tribes;

9 (2) promote positive intergovernmental relations
10 between the state and Indian tribes;

11 (3) promote cultural competency in effectively
12 providing services to American Indians; and

13 (4) annually report to the governor and the
14 legislature regarding the agency's actions under this section.

15 Sec. 471.003. TRAINING. (a) Each state agency whose
16 policies, agreements, and programs directly affect American
17 Indians shall develop, with the assistance of a representative of
18 an Indian tribe, a training program that encourages effective
19 communication and collaboration between the agency and Indian
20 tribes. The training program must include the requirements in
21 Sections 471.002(b)(1)-(3).

22 (b) A state agency whose policies, agreements, and programs
23 directly affect American Indians may require an employee to attend
24 a training program developed under this section.

25 Sec. 471.004. ANNUAL SUMMIT. Not later than the last day of
26 the third quarter of each state fiscal year, the governor or the
27 governor's designee and the leaders of Indian tribes shall meet in a

1 state-tribal summit to address issues of mutual concern.

2 Sec. 471.005. RIGHT OF ACTION. Nothing in this chapter
3 creates a right of action against a state agency or waives state or
4 tribal immunity.

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