

By: M. Gonzalez of El Paso

H.B. No. 941

A BILL TO BE ENTITLED

AN ACT

relating to state collaboration with federally recognized Indian tribes.

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

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 to read as follows:

CHAPTER 471. STATE COLLABORATION WITH INDIAN TRIBES

Sec. 471.001. DEFINITIONS. In this chapter:

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

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

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

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

(3) "State agency" means an agency, department, office, or other entity in the executive, legislative, or judicial branch of state government and includes an institution of higher 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 shall meet  
27 with the leaders of Indian tribes in a state-tribal summit to

1 address issues of mutual concern. If the governor is not available  
2 due to an emergency, the governor may designate an employee of the  
3 governor's office, a member of the legislature, or an employee of an  
4 appropriate state agency to attend the summit.

5 Sec. 471.005. RIGHT OF ACTION. Nothing in this chapter  
6 creates a right of action against a state agency or waives state or  
7 tribal immunity.

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