

BILL ANALYSIS

C.S.H.B. 63
By: González, Mary
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently there are three federally recognized American Indian 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, among other federally recognized tribes in this country, both the right and the authority to regulate activities on their lands independently from state government control. Interested parties contend that there is a need to improve and strengthen government-to-government relations between state government and the three federally recognized tribes in Texas. To this end, C.S.H.B. 63 seeks to promote and develop communication and collaboration processes between the state government and those three tribes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 63 amends the Government Code to require a state agency, defined as an agency, department, office, or other entity in the executive, legislative, or judicial branch of state government, including an institution of higher education, to collaborate with Indian tribes when developing and implementing agency policies, agreements, and programs that directly affect American Indians. The bill defines "Indian tribe" as a federally recognized tribe, band, pueblo, or community of American Indians located wholly or partially in Texas. The bill requires each state agency whose policies, agreements, and programs directly affect American Indians to promote effective communication and collaboration between the state 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 annually report to the governor and the legislature regarding the agency's actions under the bill's provisions regarding collaboration.

C.S.H.B. 63 requires a state agency whose policies, agreements, and programs directly affect American Indians 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 by the bill. The bill authorizes a state agency to require an employee to attend such a training program.

C.S.H.B. 63 requires the governor, or a person designated by the governor, to meet, not later than the last day of the third quarter of each state fiscal year, with the leaders of Indian tribes in a

state-tribal summit to address issues of mutual concern. The bill authorizes the governor, if the governor is not available due to an emergency, to 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. The bill expressly does not create a right of action against a state agency or waive state or tribal immunity.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 63 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial 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 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" 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.

Sec. 471.002. COLLABORATION WITH INDIAN TRIBES; AGENCY POLICY; REPORT. (a) Each state agency shall collaborate with Indian tribes when developing and implementing agency

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

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" 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.

Sec. 471.002. COLLABORATION WITH INDIAN TRIBES; AGENCY POLICY; REPORT. (a) Each state agency shall collaborate with Indian tribes when developing and implementing agency

policies, agreements, and programs that directly affect American Indians.

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

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

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

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

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

Sec. 471.003. TRAINING. (a) Each state agency whose policies, agreements, and programs directly affect American Indians shall 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. The training program must include the requirements in Sections 471.002(b)(1)-(3).

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

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. Nothing in this chapter creates a right of action against a state agency or waives state or tribal immunity.

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

policies, agreements, and programs that directly affect American Indians.

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

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

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

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

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

Sec. 471.003. TRAINING. (a) Each state agency whose policies, agreements, and programs directly affect American Indians shall 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. The training program must include the requirements in Sections 471.002(b)(1)-(3).

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

Sec. 471.004. ANNUAL SUMMIT. Not later than the last day of the third quarter of each state fiscal year, the governor, or a person designated by the governor, and the leaders of Indian tribes shall meet 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. Nothing in this chapter creates a right of action against a state agency or waives state or tribal immunity.

SECTION 3. Same as introduced version.

effect, this Act takes effect September 1,
2015.