88R2837 YDB-D

By:  West S.B. No. 136

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Indian Affairs Commission.

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

SECTION 1.  Subtitle E, Title 4, Government Code, is amended by adding Chapter 471 to read as follows:

CHAPTER 471. TEXAS INDIAN AFFAIRS COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 471.001.  PURPOSE. The purpose of the Texas Indian Affairs Commission is to serve as a liaison between this state and the Indian tribes of this state and to assist indigenous communities with social and economic development.

Sec. 471.002.  DEFINITION. In this chapter, "commission" means the Texas Indian Affairs Commission.

Sec. 471.003.  SUNSET ACT. The Texas Indian Affairs Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2035.

SUBCHAPTER B. COMMISSION

Sec. 471.051.  ESTABLISHMENT. The commission is established within the office of the governor.

Sec. 471.052.  COMMISSION MEMBERSHIP. (a) The commission is composed of 13 members as follows:

(1)  one member of the house of representatives, appointed by the speaker of the house of representatives;

(2)  one member of the senate, appointed by the lieutenant governor;

(3)  one public member, appointed by the governor;

(4)  one member of the Urban Inter-Tribal Center of Texas, appointed by the governor; and

(5)  subject to Subsection (b), nine members of Native American descent who represent federally recognized Indian tribes or tribal organizations as listed by the United States secretary of the interior in accordance with 25 U.S.C. Section 5131, appointed by the governor.

(b)  Of the commission members appointed under Subsection (a)(5):

(1)  at least one must be a member of the Alabama-Coushatta Tribe of Texas;

(2)  at least one must be a member of the Kickapoo Traditional Tribe of Texas;

(3)  at least one must be a member of the Ysleta Del Sur Pueblo; and

(4)  the remaining members may represent any of the following federally recognized Indian tribes or tribal organizations that maintain a connection to this state:

(A)  the Absentee Shawnee Tribe of Oklahoma;

(B)  the Alabama-Quassarte Tribal Town;

(C)  the Apache Tribe of Oklahoma;

(D)  the Caddo Nation;

(E)  the Cherokee Nation;

(F)  the Cheyenne and Arapaho Tribes;

(G)  the Choctaw Nation;

(H)  the Comanche Nation;

(I)  the Coushatta Tribe of Louisiana;

(J)  the Delaware Nation;

(K)  the Jena Band of Choctaw Indians;

(L)  the Jicarilla Apache Nation;

(M)  the Kialegee Tribal Town;

(N)  the Kickapoo Tribe of Oklahoma;

(O)  the Kiowa Tribe of Oklahoma;

(P)  the Mescalero Apache Tribe;

(Q)  the Muscogee or Creek Nation;

(R)  the Osage Nation;

(S)  the Quapaw Tribe;

(T)  the Seminole Nation of Oklahoma;

(U)  the Shawnee Tribe;

(V)  the Thlopthlocco Tribal Town;

(W)  the Tonkawa Tribe;

(X)  the Tunica-Biloxi Tribe;

(Y)  the United Keetoowah Band of Cherokee Indians; or

(Z)  the Wichita and Affiliated Tribes.

(c)  The commission member appointed under Subsection (a)(4) must be selected from a list of written recommendations submitted by the Urban Inter-Tribal Center of Texas.

(d)  The commission members appointed under Subsections (b)(1) through (3) must be selected from a list of written recommendations submitted by the applicable federally recognized Indian tribe.

(e)  The commission members appointed under Subsection (b)(4) must be selected from written recommendations submitted by the members of the legislature and the presiding officials of the federally recognized Indian tribes listed in that subsection.

(f)  Commission members must be residents of this state.

Sec. 471.053.  TERMS; VACANCY. (a) A commission member appointed under Section 471.052(a)(1) or (2) serves for the term prescribed by the appointing official. Commission members appointed under Sections 471.052(a)(3), (4), and (5) serve staggered six-year terms with the terms of approximately one-third of the members expiring February 1 of each odd-numbered year.

(b)  Commission members are eligible for reappointment to another term or part of a term.

(c)  A vacancy shall be filled in the same manner as the original appointment. A commission member appointed to fill a vacancy on the commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

Sec. 471.054.  REIMBURSEMENT FOR EXPENSES. A commission member serves without pay but is entitled to reimbursement for the travel expenses incurred by the member in attending commission meetings as provided by the General Appropriations Act.

Sec. 471.055.  PRESIDING OFFICER; OTHER OFFICERS. (a) The lieutenant governor and speaker of the house of representatives shall jointly appoint a presiding officer from among the commission members.

(b)  The commission members may elect from among the members other officers as the members consider necessary.

Sec. 471.056.  REMOVAL. (a) It is a ground for removal from the commission that a commission member:

(1)  is ineligible for membership under Section 471.052;

(2)  cannot because of illness or disability discharge the member's duties for a substantial part of the term for which the member is appointed; or

(3)  is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the commission.

(b)  The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

Sec. 471.057.  COMMISSION MEETINGS; QUORUM. (a) The commission shall meet at least quarterly at the call of the presiding officer.

(b)  Seven commission members constitute a quorum for transacting commission business.

Sec. 451.058.  EXECUTIVE DIRECTOR; STAFF. (a) The office of the governor shall provide one employee to serve as executive director for the commission to transact commission business.

(b)  The office of the governor may provide additional staff and may support commission functions and activities from money available to the office that may be used for that purpose.

SUBCHAPTER C. DUTIES AND FUNDING

Sec. 471.101.  GENERAL DUTIES. The commission shall:

(1)  annually make recommendations to state agencies and university systems in this state on policies and practices to improve the lives of the indigenous people of this state;

(2)  not later than December 1 of each even-numbered year, make recommendations to the legislature on legislation that may improve the lives of the indigenous people of this state;

(3)  assist tribal communities in social and economic development, including improving the health, educational, agricultural, business, and industrial capacities of the communities;

(4)  confer with local, state, and federal agencies to encourage and coordinate resources and programs to meet the needs of indigenous people in this state;

(5)  promote recognition of the rights of indigenous people to pursue cultural and religious traditions;

(6)  study, compile, and disseminate information on any aspect of the affairs of indigenous people in this state; and

(7)  assist tribal organizations seeking state recognition.

Sec. 471.102.  ADVISORY STATUS. (a) In implementing its duties under this chapter, the commission functions only in an advisory capacity. Commission membership does not constitute a public office.

(b)  Chapter 2110 does not apply to the commission.

Sec. 471.103.  FUNDING. (a) The commission may accept gifts, grants, or donations or raise money from any available public or private source for the commission to use in performing the commission's duties under this chapter.

(b)  The legislature may specifically appropriate money:

(1)  to the office of the governor to provide staff and to otherwise support functions and activities of the commission; or

(2)  directly to the commission.

(c)  The commission may participate in the establishment and operation of an affiliated nonprofit organization dedicated to raising money for or providing services or other benefits to the commission.

Sec. 471.104.  TEXAS INDIAN AFFAIRS COMMISSION ACCOUNT. The Texas Indian Affairs Commission account is created as an account in the general revenue fund. The office of the governor shall administer the account. Distributions from the account may be used only to further the purposes of this chapter and perform commission duties imposed under this chapter. The account is composed of:

(1)  amounts appropriated by the legislature to the account; and

(2)  gifts, grants, and other donations received by the commission for the account.

SECTION 2.  (a) As soon as practicable after the effective date of this Act, the office of the governor shall request written recommendations for appointments to the Texas Indian Affairs Commission from members of the legislature, the Urban Inter-Tribal Center of Texas, and the federally recognized Indian tribes or tribal organizations listed in Section 471.052, Government Code, as added by this Act.

(b)  Not later than January 1, 2024, the lieutenant governor and speaker of the house of representatives shall appoint members to the Texas Indian Affairs Commission as provided by Sections 471.052(a)(1) and (2), Government Code, as added by this Act, to terms prescribed by the appointing official.

(c)  In appointing the initial members of the Texas Indian Affairs Commission under Section 471.052, Government Code, as added by this Act, the governor shall appoint:

(1)  the member appointed under Section 471.052(a)(3), Government Code, as added by this Act, for a term expiring February 1, 2027;

(2)  the member appointed under Section 471.052(a)(4), Government Code, as added by this Act, for a term expiring February 1, 2029; and

(3)  with respect to the members appointed under Section 471.052(a)(5), Government Code, as added by this Act:

(A)  three members for terms expiring February 1, 2025;

(B)  three members for terms expiring February 1, 2027; and

(C)  three members for terms expiring February 1, 2029.

SECTION 3.  This Act takes effect September 1, 2023.