

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;

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

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

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

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

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

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

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

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

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

22                   (A) the Absentee Shawnee Tribe of Oklahoma;

23                   (B) the Alabama-Quassarte Tribal Town;

24                   (C) the Apache Tribe of Oklahoma;

25                   (D) the Caddo Nation;

26                   (E) the Cherokee Nation;

27                   (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

1 Indian tribe.

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

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

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

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

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

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

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

27 (b) The commission members may elect from among the members

1 other officers as the members consider necessary.

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

4 (1) is ineligible for membership under Section  
5 471.052;

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

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

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

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

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

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

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

27 SUBCHAPTER C. DUTIES AND FUNDING

1       Sec. 471.101. GENERAL DUTIES. The commission shall:

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

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

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

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

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

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

19               (7) assist tribal organizations seeking state  
20 recognition.

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

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

26       Sec. 471.103. FUNDING. (a) The commission may accept  
27 gifts, grants, or donations or raise money from any available

1 public or private source for the commission to use in performing the  
2 commission's duties under this chapter.

3 (b) The legislature may specifically appropriate money:

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

6 (2) directly to the commission.

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

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

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

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

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

1           (b) Not later than January 1, 2024, the lieutenant governor  
2 and speaker of the house of representatives shall appoint members  
3 to the Texas Indian Affairs Commission as provided by Sections  
4 471.052(a)(1) and (2), Government Code, as added by this Act, to  
5 terms prescribed by the appointing official.

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

9                   (1) the member appointed under Section 471.052(a)(3),  
10 Government Code, as added by this Act, for a term expiring February  
11 1, 2027;

12                   (2) the member appointed under Section 471.052(a)(4),  
13 Government Code, as added by this Act, for a term expiring February  
14 1, 2029; and

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

17                           (A) three members for terms expiring February 1,  
18 2025;

19                           (B) three members for terms expiring February 1,  
20 2027; and

21                           (C) three members for terms expiring February 1,  
22 2029.

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