

BILL ANALYSIS

C.S.H.B. 1450
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that there is a need to improve and strengthen relations between the federally recognized Native American tribes, bands, pueblos, and communities in Texas and the state government. C.S.H.B. 1450 seeks to achieve those goals by requiring the governor to designate a Native American tribe liaison.

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. 1450 amends the Government Code to require the governor to designate an employee of the governor's office or of the secretary of state's office, not later than October 1, 2017, to serve as liaison between the governor and the federally recognized Native American tribes, bands, pueblos, or communities located wholly or partially in Texas, whose members are eligible for funding and services from the federal Bureau of Indian Affairs, regarding issues of mutual concern between the state and those tribes, bands, pueblos, or communities. The bill's provisions expressly do not create a cause of action against an executive branch state agency or waive state sovereign immunity or tribal immunity.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1450 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.

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) "Indian tribe" means a federally recognized tribe, band, pueblo, or community, located wholly or partially in this state, whose members are eligible for funding and services from the United States Bureau of Indian Affairs.

(2) "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. ANNUAL MEETING. Not later than the last day of the third quarter of each state fiscal year, the governor shall meet with leaders of Indian tribes to address issues of mutual concern. If the governor is unable to attend the meeting, 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 meeting.

No equivalent provision.

Sec. 471.003. NO CAUSE OF ACTION OR WAIVER OF IMMUNITY. Nothing in this chapter creates a cause of action against a state agency or waives state or tribal immunity.

No equivalent provision.

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

CHAPTER 471. STATE COLLABORATION WITH NATIVE AMERICAN TRIBES

Sec. 471.001. DEFINITIONS. In this chapter:

(1) "Native American tribe" means a federally recognized tribe, band, pueblo, or community, located wholly or partially in this state, whose members are eligible for funding and services from the United States Bureau of Indian Affairs.

(2) "State agency" means an agency, department, office, or other entity in the executive branch of state government.

No equivalent provision.

Sec. 471.002. NATIVE AMERICAN TRIBE LIAISON. The governor shall designate an employee of the governor's office or an employee of the secretary of state's office to serve as liaison between the Native American tribes in this state and the governor regarding issues of mutual concern between the tribes and this state.

Sec. 471.003. NO CAUSE OF ACTION OR WAIVER OF IMMUNITY. Nothing in this chapter creates a cause of action against a state agency or waives state sovereign immunity or tribal immunity.

SECTION 3. Not later than October 1, 2017, the governor shall designate a Native American tribe liaison as required by Section 471.002, Government Code, as added by this Act.

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 effect, this Act takes effect September 1, 2017.

SECTION 4. Same as introduced version.