

CHAPTER 717

H.B. No. 1374

An Act relating to the powers, duties, and membership of the Texas Indian Commission, the authority of the tribal council of the Texas Band of Kickapoo Indians, and the tax-exempt status of sales made by or to that band.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421z, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. **MEMBERS OF COMMISSION.** The commission consists of three members, *at least one of whom shall be an Indian. Members of the commission are [5] appointed by the governor with the advice and consent of the senate.*

SECTION 2. Section 5, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421z, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5. **MEETINGS OF COMMISSION.** The commission shall hold at least three public meetings per year at times and places fixed by rule of the commission. ~~(One public meeting shall be held at the Alabama-Coushatta Indian Reservation; one at the Tigua Indian Reservation; and one in the Dallas area each year.)~~ The chairman shall notify each member at least two weeks prior to each regular meeting date and three days before each special meeting date. Two members of the commission constitute a quorum for the transaction of business.

SECTION 3. Section 7, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421z, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. **COMMISSION RESPONSIBILITIES.** (a) ~~The [A responsibility of the] commission shall assist the Alabama-Coushatta Indian Tribe of Texas and the Tigua Tribe of Texas in [is] the development of the human and economic resources of the Alabama-Coushatta Indian Reservation and the Tigua Indian Reservation, and shall [to] assist those tribes [the Texas Indian people] in making their reservations self-sufficient. The [Specifically, the] commission shall assist those [the Texas Indian] tribes in improving their health, educational, agricultural, business, and industrial capacities.~~

(b) *The commission shall assist the Texas Band of Kickapoo Indians in improving its health, educational, agricultural, business, and industrial capacities. The commission shall provide this assistance in a manner that does not conflict with the band's status as a federally recognized Indian tribe or its relationship with the government of the United States.*

(c) *The commission shall promote unity and understanding among the American Indian people of this state and shall promote and enhance increased understanding of American Indian and Texas Indian culture and history by the general public. In performing functions under this subsection, the commission may:*

(1) *appoint voluntary advisory committees as the commission considers necessary to promote its purposes and accomplish its work;*

(2) *conduct research in cooperation with other state agencies relating to the social and economic conditions of American Indian citizens of Texas;*

(3) *prepare and disseminate information relating to the social and economic condition of American Indians; and*

(4) *cooperate with state and federal agencies in all matters, programs, and legislation relating to American Indians and related issues at the state and national level, particularly as they affect or are affected by this state.*

(d) *The commission annually shall submit to the governor and to the legislature a report of its activities under this Act. The report may include the commission's legislative recommendations.*

SECTION 4. Section 9, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421z, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. **CONTRACTS WITH LOCAL AGENCIES.** The commission may cooperate, negotiate, and contract with *state and local agencies and with private and public organizations and foundations concerned with the development of the human and economic resources of the reservations and other related programs* in order to implement the planning and development of the reservations. Counties and local units of government are authorized to cooperate with the commission and may furnish the use of any equipment necessary in the development of the reservations.

SECTION 5. Section 9A(a), Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421z, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) *The Tribal council of the Alabama-Coushatta Indian Tribe, [or of] the Tigua Indian Tribe, or the Texas Band of Kickapoo Indians may contract with a local government, as that term is defined by The Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes), in the same manner and for the same purposes that local governments may contract with each other under that Act.*

SECTION 6. Section 11, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421z, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11. **FEDERAL GRANTS.** The commission may negotiate with any agency of the United States in order to obtain grants to assist in the development of the reservations *and in any trust land of the Texas Band of Kickapoo Indians.*

SECTION 7. Section 11A, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421z, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11A. **ASSISTANCE TO KICKAPOO INDIANS [AND INTERTRIBAL INDIAN ORGANIZATIONS].** ~~[(a)] The Texas Band of [Traditional] Kickapoo Indians is [of Texas are] recognized as a Texas Indian tribe.~~

~~[(b) The commission shall assist the Traditional Kickapoo Indians and the intertribal Indian organizations chartered in this state in applying for and managing, jointly with the commission, federal programs and funds secured from the federal government or private sources for the purpose of improving health, education, and housing standards of these Indians or increasing their economic capabilities.~~

~~[(c) The commission may seek the cooperation of local and state agencies in administering programs or funds covered by Subsection (b) of this section.]~~

SECTION 8. Section 13, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421z, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 13. **MATURITY; REDEMPTION.** All bonds issued by a ~~either~~ Tribal Council shall mature serially or otherwise not more than 40 years from the date of issuance, and they may be made redeemable prior to maturity, at the option of the Tribal Council, with the written approval of the commission, at times and prices and under terms and conditions prescribed in the authorizing proceedings.

SECTION 9. Section 14, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421z, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. **FORM, CONDITIONS, DETAILS OF BONDS.** Subject to the restrictions contained in this Act, *the appropriate* ~~either~~ Tribal Council and the commission have complete discretion in fixing the form, conditions, and details of the bonds; and the bonds may be refunded or otherwise refinanced whenever the Tribal Council, with the approval of the commission, deems such action to be necessary or appropriate.

SECTION 10. Section 20, Chapter 279, Acts of the 59th Legislature, Regular Session, 1965 (Article 5421z, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20. **DEBT AGAINST STATE.** No obligation created by a contract, bond, note, or other evidence of indebtedness issued by a ~~either~~ Tribal Council under this Act shall be construed as creating a debt against the state; and every such contract, bond, note, or other evidence of indebtedness shall contain this clause: "The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation."

SECTION 11. Subsections (a) and (b), Section 151.337, Tax Code, are amended to read as follows:

(a) A taxable item sold, leased, or rented to, or stored, used, or consumed by, a tribal council or a business owned by a tribal council of *the Alabama-Coushatta Indian Tribe, the Tigua Indian Tribe, or the Texas Band of Kickapoo Indians* ~~[an Indian tribe for which a reservation is established in this state]~~ is exempted from the taxes imposed by this chapter.

(b) A taxable item sold, leased, or rented by a tribal council or a business owned by a tribal council of *the Alabama-Coushatta Indian Tribe, the Tigua Indian Tribe, or the Texas Band of Kickapoo Indians* ~~[an Indian tribe for which a reservation is established in this state]~~ is exempted from the taxes imposed by this chapter if the item is:

- (1) made by a member of the Indian tribe;
- (2) a cultural artifact of the Indian tribe; and
- (3) sold at a location within the boundaries of a ~~the~~ reservation *or of trust land held by such an Indian tribe.*

SECTION 12. This Act takes effect September 1, 1985.

SECTION 13. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 13, 1985, by a non-record vote; passed by the Senate on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 14, 1985
Effective: September 1, 1985