

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1368

By: Weaver

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 1991, Section 1221, as amended by Section 73, Chapter 290, O.S.L. 1994 (74 O.S. Supp. 1996, Section 1221), which relates to state relations with Indian tribes; recognizing the sovereign immunity of Indian tribes; declaring that state courts do not have jurisdiction over matters involving Indian tribes; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 1991, Section 1221, as amended by Section 73, Chapter 290, O.S.L. 1994 (74 O.S. Supp. 1996, Section 1221), is amended to read as follows:

Section 1221. A. The State of Oklahoma acknowledges federal recognition of Indian Tribes recognized by the Department of Interior, Bureau of Indian Affairs.

B. The State of Oklahoma recognizes the unique status of Indian Tribes within the federal government and shall work in a spirit of cooperation with all federally recognized Indian Tribes in furtherance of federal policy for the benefit of both the State of Oklahoma and Tribal Governments.

C. The State of Oklahoma recognizes the sovereign immunity of Indian Tribes and, in accordance with federal court decisions, declares that the courts of this state shall not have jurisdiction over controversies involving an Indian Tribe unless the Tribe expressly waives its sovereign immunity.

D. The Governor, or his named designee, is authorized to negotiate and enter into cooperative agreements on behalf of this state with federally recognized Indian Tribal Governments within this state to address issues of mutual interest. Such agreements shall become effective upon approval by the Joint Committee on State-Tribal Relations. If such agreements involve trust responsibilities, approval by the Secretary of the Interior or his designee shall be required.

~~D.~~ E. The governing board of the political subdivision of this state is authorized to negotiate and enter into intergovernmental cooperative agreements in behalf of the political subdivision, with the federally recognized Indian Tribal Governments within this state to address issues of mutual interest. Such agreements shall be effective upon approval by the Joint Committee on State-Tribal Relations and the Governor, or his named designee; provided, agreements for juvenile detention facilities made pursuant to Section ~~4108~~ 7304-1.3 of Title 10 of the Oklahoma Statutes shall become effective upon approval by the board of county commissioners.

~~E.~~ F. An executed original of every agreement approved pursuant to this section shall be filed with the Secretary of State.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

