

SHORT TITLE: State-tribal relations; approval requirements for cross-deputization agreements; consideration of certain persons as employees of state or its subdivisions or agencies under Workers' Compensation Act; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 10

By: Rabon

AS INTRODUCED

An Act relating to state-tribal relations; 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 agreements with federally recognized Indian tribes; modifying approval requirements for certain cross-deputization law enforcement agreements; providing that certain persons not be considered employees of state or its subdivisions or agencies for purposes of the Workers' Compensation Act; providing for codification; and providing an effective date.

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 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. The governing board of ~~the~~ a 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 ~~1108~~ 7304-1.3 of Title 10 of the Oklahoma Statutes shall become effective upon approval by the board of county commissioners.

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

F. Cross-deputization law enforcement agreements between political subdivisions of this state, and federal agencies or Indian tribes or both, shall not require approval of either the Governor, or named designee, or the Joint Committee on State-Tribal Relations, but shall become effective upon approval of the governing body of the political subdivision.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2.6 of Title 85, unless there is created a duplication in numbering, reads as follows:

A person employed by a federally recognized Indian tribe or a tribal or federal law enforcement officer acting for or on behalf of the State of Oklahoma or one of its subdivisions or agencies

pursuant to a cross-deputization law enforcement agreement shall not be considered to be an employee of this state or its subdivisions or agencies for purposes of the Workers' Compensation Act.

SECTION 3. This act shall become effective November 1, 1997.

46-1-0175            CD