

SHORT TITLE: Courts; sovereign immunity of Indian tribes;
codification; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 482

By: Henry

AS INTRODUCED

An Act relating to courts; restating unlimited original jurisdiction of district courts and restating exceptions; providing for sovereign immunity of federally recognized Indian tribes and stating exceptions; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 90 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. The district courts of this state shall have unlimited original jurisdiction of all justiciable matters, except as otherwise provided in the Constitution and laws of this state.

B. 1. Federally recognized Indian tribes shall be immune from the jurisdiction of the district courts of this state except when otherwise provided by:

- a. federal law,
- b. treaty,
- c. compact,
- d. agreement expressly waiving the tribe's sovereign immunity, and
- e. any other provision of law or agreement authorized or permitted under the Constitution of the United States.

2. The provisions of this subsection shall not apply to actions which accrue before the effective date of this act which are based upon one or more of the following:

- a. a commercial activity carried on in this state and outside Indian Country by a federally recognized Indian tribe,
- b. an act performed in this state and outside Indian Country in connection with a commercial activity of the Indian tribe elsewhere if a district court of this state could otherwise exercise jurisdiction, or
- c. an act performed outside of this state and outside of Indian Country in connection with a commercial activity of the Indian tribe elsewhere if a district court of this state could otherwise exercise jurisdiction.

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.

46-1-0991

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