ENROLLED SENATE
BILL NO. 1246

By: Hobson and Helton of the Senate

and

Wells of the House

An Act relating to the Oklahoma Military Department; amending Section 1, Chapter 27, O.S.L. 1997 (44 O.S. Supp. 1999, Section 208.1), which relates to the Oklahoma National Guard; providing certain rights to full-time duty members of the Oklahoma National Guard; amending 47 O.S. 1991, Section 156, as last amended by Section 1, Chapter 179, O.S.L. 1998 (47 O.S. Supp. 1999, Section 156), which relates to purchase of automobiles or buses with public funds; adding exception; amending 44 O.S. 1991, Section 209, as amended by Section 2, Chapter 94, O.S.L. 1994 (44 O.S. Supp. 1999, Section 209), which relates to leave of absence to public officers and employees; authorizing officers and employees of the state who are members of the National Guard leave for inactive service; amending 74 O.S. 1991, Section 1221, as amended by Section 73, Chapter 290, O.S.L. 1994 (74 O.S. Supp. 1999, Section 1221), which relates to cooperative agreements with federally recognized tribes; exempting certain agreements from certain procedure; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 27, O.S.L. 1997 (44 O.S. Supp. 1999, Section 208.1), is amended to read as follows:

Section 208.1 The following provisions of federal law shall be adopted as state law and applied to members of the Oklahoma National Guard when such members are ordered to state active duty <u>or full-time National Guard duty</u> under Sections 501 through 507 of Title 32 of the United States Code:

1. The Soldiers' and Sailors' Civil Relief Act of 1940, as amended, Sections 501 through 593 of Title 50 of the United States Code App. (1988 and 1994); and

2. The Uniformed Services Employment and Reemployment Rights Act (USERRA), Sections 4301 through 4333 of Title 38 of the United States Code.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 156, as last amended by Section 1, Chapter 179, O.S.L. 1998 (47 O.S. Supp. 1999, Section 156), is amended to read as follows:

Section 156. A. Unless otherwise provided for by law, no state board, commission, department, institution, official, or employee, except the Department of Public Safety, the Department of Human Services, the State Department of Rehabilitation Services, the Department of Wildlife Conservation, the Department of Corrections, the State Department of Education, the Oklahoma School of Science and Mathematics, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma State Bureau of Investigation, the Transportation Commission, the Department of Agriculture, the State Department of Health, the Department of Mental Health and Substance Abuse Services, the J.D. McCarty Center for Children with Developmental Disabilities, the Military Department of the State of Oklahoma, the Oklahoma Tourism and Recreation Department, the Oklahoma Conservation Commission, the Oklahoma Water Resources Board, the Department of Mines, the Office of Juvenile Affairs, and the Oklahoma Supreme Court shall purchase any passenger automobile or bus with public funds.

B. The Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, and any state institution of higher education may purchase, own, or keep if now owned, or acquire by lease or gift, and use and maintain such station wagons, automobiles, trucks, or buses as are reasonably necessary for the implementation of the educational programs of said institutions. No bus operated, owned, or used by such educational institutions shall be permitted to carry any person other than students, faculty members, employees, or volunteers of such institutions. The provisions of this section shall not be construed to prohibit the operation of intracampus buses or buses routed directly between portions of the campus of any institution not adjacent to each other, nor to prohibit the collection of fares from such students, faculty members, or employees of such institutions, sufficient in amount to cover the reasonable cost of such transportation.

C. The J.D. McCarty Center for Children with Developmental Disabilities, the Oklahoma Department of Libraries, the Oklahoma Department of Veterans Affairs, and the Oklahoma Veterans Centers may own and maintain such passenger vehicles as those institutions have acquired prior to May 1, 1981.

D. The use of station wagons, automobiles, and buses, other than as provided for in this section, shall be permitted only upon written request for such use by heads of departments of the institution, approved in writing by the president of said institution or by some administrative official of said institution authorized by the president to grant said approval. Such use shall be permitted only for official institutional business or activities connected therewith. Such use shall be subject to the provisions of Sections 156.1 and 159.7 of this title forbidding personal use of such vehicles, and to the penalties therein declared.

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by

fine or imprisonment, or both, as provided for in Section 156.1 of this title.

F. For the purpose of this section and Section 156.3 of this title, a station wagon is classified as a passenger automobile and may not be purchased solely for the use of transporting property. Such vehicles shall include, but not be limited to, all vehicles which have no separate luggage compartment or trunk but which do not have open beds, whether the same are called station wagons, vans, suburbans, town and country, blazers, or any other names. All state boards, commissions, departments, and institutions may own and maintain station wagons purchased solely for the purpose of transporting property if acquired prior to July 1, 1985.

G. The provisions of this section and Section 156.1 of this title shall not apply to public officials who are statewide elected commissioners.

SECTION 3. AMENDATORY 44 O.S. 1991, Section 209, as amended by Section 2, Chapter 94, O.S.L. 1994 (44 O.S. Supp. 1999, Section 209), is amended to read as follows:

Section 209. All officers and employees of the state, or a subdivision thereof, or a municipality therein, who are members of the National Guard, shall, when ordered by proper authority to active <u>or inactive</u> service, be entitled to a leave of absence from such civil employment for the period of such active service, without loss of status or efficiency rating. During the first twenty (20) calendar days of such leave of absence in any federal fiscal year, the officer or employee shall receive his full regular pay from the state, subdivision or municipality. During the remainder of such leave of absence in any federal fiscal year, the state, subdivision, or municipality may elect to pay the officer or employee an amount equal to the difference between his full regular pay from the state, subdivision or municipality and his National Guard pay. The durational limit of protected military service as provided for in this section shall not be less than that provided by federal law. If it is necessary in the public interest to provide for the performance of the duties of his position during such absence, the authority having power to fill a vacancy in the position may appoint a substitute, to be known as acting incumbent, who shall qualify as required for the regular incumbent and shall receive the same salary as fixed by law, if any, or otherwise such salary as may be fixed by proper authority.

The Office of Personnel Management shall promulgate rules as necessary to implement the provisions of this section that relate to state employees.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 1221, as amended by Section 73, Chapter 290, O.S.L. 1994 (74 O.S. Supp. 1999, 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 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 of Title 10 of the Oklahoma Statutes shall become effective upon approval by the board of county commissioners. Provided, further agreements between the Military Department of the State of Oklahoma and an Indian tribe for the management or operation of a juvenile facility shall not be subject to the requirements of this section.

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

SECTION 5. This act shall become effective November 1, 2000.

Passed the Senate the 15th day of May, 2000.

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President of the Senate

Passed the House of Representatives the 17th day of May, 2000.

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Speaker of the House of Representatives