

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2271

By: Dank

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5
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2001, Sections 1221, as amended by Section 2, Chapter
9 485, O.S.L. 2002 and 1222 (74 O.S. Supp. 2008,
10 Section 1221), which relate to state and tribal
11 relations; modifying the approval requirements for
12 cooperative agreements with federally recognized
13 tribal governments; deleting approval requirements
14 for certain cooperative agreements; modifying
15 responsibilities of the Joint Committee on State-
16 Tribal Relations; deleting quorum requirements;
17 amending Section 10, Chapter 58, O.S.L. 2003 (3A O.S.
18 Supp. 2008, Section 709), which relates to the powers
19 of the Oklahoma Lottery Commission; modifying
20 approval requirements for cooperative agreements with
21 federally recognized tribal governments; and
22 providing an effective date.

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

24 SECTION 1. AMENDATORY 74 O.S. 2001, Section 1221, as
amended by Section 2, Chapter 485, O.S.L. 2002 (74 O.S. Supp. 2008,
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.

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

6 C. 1. The Governor, or named designee, is authorized to
7 negotiate and enter into cooperative agreements on behalf of this
8 state with federally recognized Indian Tribal Governments within
9 this state to address issues of mutual interest. ~~Except as~~
10 ~~otherwise provided by this subsection, such agreements~~ Any
11 cooperative agreement entered into by the Governor pursuant to this
12 section shall become effective only upon approval by the Joint
13 Committee on State-Tribal Relations the consent of the Oklahoma
14 Legislature authorizing the cooperative agreement.

15 2. If the cooperative agreements specified and authorized by
16 paragraph 1 of this subsection involve trust responsibilities,
17 approval by the Secretary of the Interior or designee shall be
18 required.

19 ~~3. Any cooperative agreement specified and authorized by~~
20 ~~paragraph 1 of this subsection involving the surface water and/or~~
21 ~~groundwater resources of this state or which in whole or in part~~
22 ~~apportions surface and/or groundwater ownership shall become~~
23 ~~effective only upon the consent of the Oklahoma Legislature~~
24 ~~authorizing such cooperative agreement.~~

1 D. 1. The governing board of a political subdivision of this
2 state is authorized to negotiate and enter into intergovernmental
3 cooperative agreements in behalf of the political subdivision, with
4 a federally recognized Indian Tribal Government within this state to
5 address issues of mutual interest. Except as otherwise provided by
6 this subsection, such agreements shall be effective upon ~~approval by~~
7 ~~the Joint Committee on State Tribal Relations and the~~ consent of the
8 Governor, or named designee, and the Oklahoma Legislature
9 authorizing the cooperative agreement.

10 2. Agreements for juvenile detention facilities made pursuant
11 to Section ~~1108~~ 7304-1.3 of Title 10 of the Oklahoma Statutes shall
12 become effective upon approval by the board of county commissioners.

13 3. ~~Any cooperative agreement specified and authorized by~~
14 ~~paragraph 1 of this subsection involving the surface water and/or~~
15 ~~groundwater resources of this state shall become effective only upon~~
16 ~~the consent of the Oklahoma Legislature authorizing such cooperative~~
17 ~~agreement.~~

18 4. Agreements between the Military Department of the State of
19 Oklahoma and an Indian tribe for the management or operation of a
20 juvenile facility shall not be subject to the requirements of this
21 section.

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

1 SECTION 2. AMENDATORY 74 O.S. 2001, Section 1222, is
2 amended to read as follows:

3 Section 1222. A. There is hereby created the "Joint Committee
4 on State-Tribal Relations". The Committee shall be responsible for
5 ~~overseeing and approving~~ reviewing and making recommendations to the
6 Legislature on cooperative agreements between tribal governments and
7 the State of Oklahoma. The Committee shall consist of ten (10)
8 members, to be appointed as follows:

9 1. Five members of the Senate to be appointed by the President
10 Pro Tempore of the Senate; and

11 2. Five members of the House of Representatives to be appointed
12 by the Speaker of the House of Representatives.

13 B. The chairman and vice-chairman of the Committee shall be
14 designated from the membership of the Committee by the Speaker of
15 the House of Representatives and the President Pro Tempore of the
16 Senate as provided for in this subsection. The President Pro
17 Tempore of the Senate shall designate the initial chairman who shall
18 serve until the convening of the First Regular Session of the 44th
19 Oklahoma Legislature. The Speaker of the House of Representatives
20 shall designate the initial vice-chairman who shall serve until the
21 convening of the First Regular Session of the 44th Oklahoma
22 Legislature. Thereafter, the chairmanship shall alternate every two
23 (2) years between the House of Representatives and the Senate,
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1 beginning with the convening of the First Regular Session of the
2 Legislature.

3 C. All members of the Committee shall serve at the pleasure of
4 the appointing authority.

5 ~~D. All actions of the Committee shall require a quorum which~~
6 ~~shall be defined as a majority of the members appointed. Approval~~
7 ~~of any agreement pursuant to Section 1221 of this title by the~~
8 ~~Committee shall be determined by a majority of the quorum present.~~

9 ~~E.~~ Staff for the Committee shall be provided by the House of
10 Representatives and Senate from their existing staff.

11 SECTION 3. AMENDATORY Section 10, Chapter 58, O.S.L.
12 2003 (3A O.S. Supp. 2008, Section 709), is amended to read as
13 follows:

14 Section 709. A. The Oklahoma Lottery Commission shall have any
15 and all powers necessary or convenient to its usefulness in carrying
16 out and effectuating the purposes and provisions of the Oklahoma
17 Education Lottery Act which are not in conflict with the Oklahoma
18 Constitution and laws of this state including, but not limited to,
19 the following:

20 1. To sue and be sued in contract, equity, mandamus, and
21 similar actions in its own name and to complain and defend in all
22 courts;

23 2. To adopt and alter a seal;

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- 1 3. To hold copyrights, trademarks, and service marks and
2 enforce its rights with respect thereto;
- 3 4. To acquire or lease real property and make improvements
4 thereon and acquire by lease or by purchase personal property,
5 including, but not limited to, computers and intangible property,
6 including, but not limited to, computer programs, systems, and
7 software;
- 8 5. To enter into contracts to incur debt in its own name and
9 enter into financing agreements with the state, agencies or
10 instrumentalities of the state, or with any commercial financial
11 institution or credit provider as provided in Section 33 of this
12 act;
- 13 6. To select and contract with vendors and retailers;
- 14 7. To enter into contracts or agreements with state or local
15 law enforcement agencies for the performance of law enforcement,
16 background investigations, and security checks;
- 17 8. To administer oaths, take depositions, issue subpoenas, and
18 compel the attendance of witnesses and the production of books,
19 papers, documents, and other evidence relative to any investigation
20 or proceeding conducted by the Commission;
- 21 9. To enter into contracts of any and all types on such terms
22 and conditions as the Commission may determine;
- 23 10. To advertise and promote the lottery and lottery games; and
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1 11. To act as a retailer, to conduct promotions which involve
2 the dispensing of lottery tickets or shares, and to establish and
3 operate a sales facility to sell lottery tickets or shares and any
4 related merchandise.

5 B. The board of trustees of the Oklahoma Lottery Commission
6 shall have any and all powers necessary or convenient to its
7 usefulness in carrying out and effectuating the purposes and
8 provisions of the Oklahoma Education Lottery Act which are not in
9 conflict with the Oklahoma Constitution and laws of this state
10 including, but not limited to, the following:

11 1. To adopt, amend, and repeal policies and procedures and to
12 promulgate rules for the regulation of its affairs and the conduct
13 of its business, to prescribe the duties of officers of the board,
14 and to perform such other duties as may be required by law. In the
15 promulgation of rules, the board shall be subject to the
16 Administrative Procedures Act;

17 2. To procure insurance;

18 3. To initiate, supervise, and administer the operation of the
19 lottery in accordance with the provisions of the Oklahoma Education
20 Lottery Act and rules, policies, and procedures adopted pursuant
21 thereto;

22 4. To enter into written agreements with one or more other
23 states or sovereigns for the operation, participation in marketing,
24 and promotion of a joint lottery or joint lottery games. Such an

1 agreement may be entered into with a federally recognized Indian
2 tribe only if a cooperative agreement authorizing the Commission to
3 do so has been entered into by the Governor and such a tribe and has
4 been ~~further approved~~ consented to by the ~~Joint Committee on State~~
5 ~~Tribal Relations~~ Oklahoma Legislature pursuant to the provisions of
6 Section 1221 ~~et seq.~~ of Title 74 of the Oklahoma Statutes;

7 5. To direct the executive director to conduct or have
8 conducted such market research as is necessary or appropriate, which
9 may include an analysis of the demographic characteristics of the
10 players of each lottery game and an analysis of advertising,
11 promotion, public relations, incentives, and other aspects of
12 communication; and

13 6. To adopt and amend such rules, policies, and procedures as
14 necessary to implement its powers and duties, organize and operate
15 the Commission, regulate the conduct of lottery games in general,
16 and any other matters necessary or desirable for the efficient and
17 effective operation of the lottery or the convenience of the public.

18 C. The powers enumerated in subsections A and B of this section
19 are cumulative of and in addition to those powers enumerated
20 elsewhere in the Oklahoma Education Lottery Act, and no such powers
21 limit or restrict any other powers of the Oklahoma Lottery
22 Commission or the board of trustees.

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SECTION 4. This act shall become effective November 1, 2009.

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