

1 ENGROSSED HOUSE  
2 BILL NO. 2563

By: Wesselhoft, Billy, Shoemake  
and Roan of the House

3 and

4 Brecheen of the Senate

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7  
8 An Act relating to state-tribal relations; amending  
9 74 O.S. 2011, Sections 10.3 and 10.5, which relate to  
10 the cabinet system for the executive branch of  
11 government; creating a cabinet position related to  
12 Native American affairs; providing for appointment of  
13 a Secretary of Native American Affairs; providing for  
14 areas of responsibility; providing for salary;  
15 amending 74 O.S. 2011, Section 1207, which relates to  
16 the Oklahoma Native American Liaison; modifying  
17 certain eligibility requirements; amending 74 O.S.  
18 2011, Section 1221, which relates to state  
19 acknowledgement of federal recognition of Indian  
20 tribes; modifying who governor may name as designee  
21 for certain purposes; modifying who may approve  
22 certain intergovernmental cooperative agreements; and  
23 providing an effective date.  
24

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

19 SECTION 1. AMENDATORY 74 O.S. 2011, Section 10.3, is  
20 amended to read as follows:

21 Section 10.3 A. ~~Within~~ Except as otherwise provided for in  
22 this section, within forty-five (45) days of assuming office, each  
23 Governor may create a cabinet system for the executive branch of  
24 state government. The cabinet system may be an organizational

1 framework created by executive order which includes all executive  
2 agencies, boards, commissions, or institutions and their assignments  
3 to specific cabinet areas. The cabinet system shall consist of no  
4 more than fifteen cabinet areas and each cabinet area shall consist  
5 of executive agencies, boards, commissions, or institutions with  
6 similar programmatic or administrative objectives. One cabinet area  
7 shall consist of the Oklahoma Department of Veterans Affairs, its  
8 institutions and other executive agencies, boards, commissions and  
9 institutions which are related to veterans. One cabinet area shall  
10 consist of the Information Services Division of the Office of State  
11 Finance and all the functions of all executive agencies, boards,  
12 commissions and institutions related to information technology and  
13 telecommunications. One cabinet area shall consist of all the  
14 functions of all executive agencies, boards, commissions and  
15 institutions related to Native American affairs and issues and state  
16 and tribal relations. The first Secretary of Native American  
17 Affairs shall be appointed by the Governor no later than December  
18 31, 2012. Thereafter, each Governor shall appoint the Secretary of  
19 Native American Affairs within forty-five (45) days of assuming  
20 office. The Governor's cabinet shall be in effect until the  
21 Legislature supersedes each cabinet area by providing by law for  
22 specific cabinet areas or departments, or removes by law the  
23 authority of the Governor to create a cabinet area.

24

1 B. The Governor shall appoint, with the advice and consent of  
2 the Senate, a Secretary to head each cabinet area. The Secretary  
3 appointee for the cabinet area consisting of the Oklahoma Department  
4 of Veterans Affairs and other related veterans entities shall be an  
5 honorably discharged veteran and be eligible to receive benefits  
6 from the United States Department of Veterans Affairs. The  
7 Secretary for the cabinet area consisting of the Information  
8 Services Division of the Office of State Finance and all related  
9 information technology and telecommunications functions of state  
10 government shall be the Chief Information Officer who shall be  
11 appointed pursuant to Section ~~2~~ 34.11.1 of ~~this act~~ Title 62 of the  
12 Oklahoma Statutes. The Secretary for the cabinet area consisting of  
13 the areas of responsibility related to Native American issues and  
14 state and tribal relations shall be the Oklahoma Native American  
15 Liaison appointed pursuant to Section 1207 of this title. A cabinet  
16 Secretary may be appointed as a position funded by the Office of the  
17 Governor from funds available to that office, or appointed as a  
18 cabinet Secretary from among the agency heads within the cabinet  
19 area. The cabinet Secretaries shall:

20 1. Advise the Governor of any policy changes or problems within  
21 the area they represent;

22 2. Advise the entities represented of any policy changes or  
23 problems as directed by the Governor; and  
24

1 3. Coordinate information gathering for the Legislature as  
2 requested.

3 C. The cabinet Secretaries shall serve at the pleasure of the  
4 Governor<sup>r</sup>; however, the appointment or removal of a cabinet  
5 Secretary who is also an agency head shall not otherwise affect the  
6 status of the other duties of the agency head. Whenever a Secretary  
7 position becomes vacant, the Governor shall appoint a successor  
8 within thirty (30) calendar days pursuant to the provisions of  
9 subsection B of this section. If the Legislature is not in session  
10 at the time of appointment it shall be subject to the advice and  
11 consent of the Senate upon convening of the next regular session of  
12 the Legislature.

13 SECTION 2. AMENDATORY 74 O.S. 2011, Section 10.5, is  
14 amended to read as follows:

15 Section 10.5 Notwithstanding other limits established by law,  
16 the following cabinet Secretaries may be annually compensated for  
17 their services, payable monthly, as follows:

18 1. The Secretary of Human Resources and Administration may  
19 receive a maximum salary of ~~Seventy Five Thousand Dollars~~

20 ~~(\$75,000.00)~~ Seventy-five Thousand Dollars (\$75,000.00);

21 2. The Secretary of Agriculture may receive a maximum salary of  
22 Seventy Thousand Dollars (\$70,000.00);

23 3. The Secretary of Commerce and Tourism may receive a maximum  
24 salary of Seventy Thousand Dollars (\$70,000.00);

1 4. The Secretary of Education may receive a maximum salary of  
2 Sixty-five Thousand Dollars (\$65,000.00);

3 5. The Secretary of Energy may receive a maximum salary of  
4 Seventy Thousand Dollars (\$70,000.00);

5 6. The Secretary of Finance and Administration may receive a  
6 maximum salary of Ninety Thousand Dollars (\$90,000.00);

7 7. The Secretary of Health and the Secretary of Human Services  
8 may receive a maximum salary of Eighty Thousand Dollars  
9 (\$80,000.00);

10 8. The Secretary of Safety and Security may receive a maximum  
11 salary of Eighty-five Thousand Dollars (\$85,000.00);

12 9. The Secretary of State may receive a maximum salary of  
13 Sixty-five Thousand Dollars (\$65,000.00). However, if the Secretary  
14 of State is designated as a cabinet Secretary, the salary of the  
15 Secretary of State may be increased to an amount not to exceed the  
16 highest salary provided for a cabinet Secretary pursuant to this  
17 section; ~~and~~

18 10. The Secretary of Veterans Affairs may receive a maximum  
19 salary of Sixty-five Thousand Dollars (\$65,000.00); and

20 11. The Secretary of Native American Affairs may receive a  
21 maximum salary of Sixty-five Thousand Dollars (\$65,000.00).

22 SECTION 3. AMENDATORY 74 O.S. 2011, Section 1207, is  
23 amended to read as follows:

1 Section 1207. A. The State of Oklahoma recognizes the status  
2 of the federally recognized tribal governments residing in the  
3 geographical boundaries of the state as sovereign nations and the  
4 state recognizes the need for further cooperation between the state  
5 and the tribes and their citizens and the importance of the  
6 government-to-government relationship between the state and the  
7 tribes.

8 B. There is hereby created the position of Oklahoma Native  
9 American Liaison who shall be appointed by the Governor. The  
10 Oklahoma Native American Liaison ~~may~~ shall also serve as the  
11 Secretary of Native American Affairs or a successor cabinet position  
12 and shall have jurisdictional areas of responsibility related to  
13 Native American issues and state and tribal relations. The first  
14 Oklahoma Native American Liaison shall be appointed no later than  
15 December 1, ~~2011~~ 2012.

16 C. Any person appointed to the position of Oklahoma Native  
17 American Liaison shall be ~~an American Indian of at least one-fourth~~  
18 ~~(1/4) blood~~ a member of a federally recognized Indian tribe located  
19 within Oklahoma and shall have valid proof of membership.

20 D. The salary and any other expenses for the Oklahoma Native  
21 American Liaison shall be budgeted as a separate line item through  
22 the Governor. The Governor shall provide adequate office space,  
23 equipment and support necessary to enable the Oklahoma Native  
24

1 American Liaison to carry out the duties and responsibilities of the  
2 position.

3 E. The Oklahoma Native American Liaison shall:

4 1. Have the powers and duties over Native American issues and  
5 state and tribal relation areas designated to the position by the  
6 Governor;

7 2. Be the designee of the Governor to negotiate cooperative  
8 agreements on behalf of the state with federally recognized Indian  
9 ~~Tribal Governments~~ tribal governments within this state as set forth  
10 in Section 1221 of ~~Title 74 of the Oklahoma Statutes~~ this title;

11 3. Monitor all compacts, including gaming, tobacco, and motor  
12 vehicle fuel compacts, entered into by the state and political  
13 subdivisions with federally recognized Indian ~~Tribal Governments~~  
14 tribal governments within this state;

15 4. Coordinate with the Office of Tribal Relations within the  
16 Oklahoma Historical Society on the gathering, preserving and  
17 maintaining of all compacts and agreements between federally  
18 recognized Indian ~~Tribal Governments~~ tribal governments and the  
19 state and political subdivisions and all related records, documents  
20 and materials;

21 5. Oversee state agency consultation policies with tribal  
22 governments;

23 6. Monitor the interactions of state agencies with tribal  
24 governments;

1           7. Ensure coordination, consultation and cooperation between  
2 tribes and state agencies for any activities of the state agency  
3 that will directly affect tribal governments or their property;

4           8. Advise tribes about ongoing or proposed state programs that  
5 will affect tribal governments or their property;

6           9. Cooperate with tribal governments to determine priorities of  
7 interest for possible cooperation between the various agencies and  
8 the tribal governments;

9           10. Advise tribes on funding opportunities through partnerships  
10 with state agencies to address locally determined priorities of  
11 interest agreed to by both the state and tribal governments;

12           11. Ensure continuing outreach to tribes and shall establish and  
13 maintain relationships with tribes and tribal organizations; and

14           12. Make an annual report on the interaction between the state  
15 and state agencies and tribal governments and shall submit the  
16 report to the Governor, the Speaker of the House of Representatives,  
17 and the President Pro Tempore of the Senate.

18           SECTION 4.           AMENDATORY           74 O.S. 2011, Section 1221, is  
19 amended to read as follows:

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

23           B. The State of Oklahoma recognizes the unique status of Indian  
24 ~~Tribes~~ tribes within the federal government and shall work in a

1 spirit of cooperation with all federally recognized ~~Tribes~~ tribes in  
2 furtherance of federal policy for the benefit of both the State of  
3 Oklahoma and ~~Tribal Governments~~ tribal governments.

4 C. 1. The Governor is authorized to negotiate and enter into  
5 cooperative agreements on behalf of this state with federally  
6 recognized Indian ~~Tribal Governments~~ tribal governments within this  
7 state to address issues of mutual interest. The Governor may elect  
8 to name a designee which shall ~~be the Oklahoma Native American~~  
9 ~~Liaison who shall~~ have authority to negotiate and enter into  
10 cooperative agreements on behalf of the state with federally  
11 recognized Indian tribes as provided for in this section. Except as  
12 otherwise provided by this subsection, such agreements shall become  
13 effective upon approval by the Joint Committee on State-Tribal  
14 Relations.

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 appertains 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~~ tribal government  
5 within this state to address issues of mutual interest. Except as  
6 otherwise provided by this subsection, such agreements shall be  
7 effective upon approval by the Joint Committee on State-Tribal  
8 Relations and the Governor, or ~~the Oklahoma Native American Liaison~~  
9 ~~as~~ the designee of the Governor.

10 2. Agreements for juvenile detention facilities made pursuant  
11 to Section 2-3-103 of Title 10A 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. A copy of  
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