

1 **SENATE CHAMBER**

2 STATE OF OKLAHOMA

DISPOSITION BY SENATE

3 **FLOOR AMENDMENT**

4 No. _____

5 _____
(Date)

6 Mr./Madame President:

7 I move to amend _Senate Committee Substitute for Engrossed House_ Bill No. _2563____, by
8 striking the title, enacting clause and entire body of the bill and substituting the attached floor
9 substitute.

10 Submitted by:

11 _____
12 Senator Brecheen

13
14
15 Brecheen-MJM-FS-HB2563
16 4/11/2012 1:19 PM

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2563

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

6 and

7 Brecheen of the Senate

8
9 FLOOR SUBSTITUTE

10 [state-tribal relations - Oklahoma Native American
11 Liaison - emergency]

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 74 O.S. 2011, Section 1207, is
15 amended to read as follows:

16 Section 1207. A. The State of Oklahoma recognizes the status
17 of the federally recognized tribal governments residing in the
18 geographical boundaries of the state as sovereign nations and the
19 state recognizes the need for further cooperation between the state
20 and the tribes and their citizens and the importance of the
21 government-to-government relationship between the state and the
22 tribes.

23 B. There is hereby created the position of Oklahoma Native
24 American Liaison who shall be appointed by the Governor. The

1 Oklahoma Native American Liaison may also serve as the Secretary of
2 Native American Affairs or a successor cabinet position and shall
3 have jurisdictional areas of responsibility related to Native
4 American issues and state and tribal relations. The first Oklahoma
5 Native American Liaison shall be appointed no later than December 1,
6 ~~2011~~ 2012.

7 C. Any person appointed to the position of Oklahoma Native
8 American Liaison shall be ~~an American Indian of at least one-fourth~~
9 ~~(1/4) blood~~ a member or citizen of a federally recognized Indian
10 tribe located within Oklahoma and shall have valid proof of
11 membership.

12 D. The salary and any other expenses for the Oklahoma Native
13 American Liaison shall be budgeted as a separate line item through
14 the Governor. The Governor shall provide adequate office space,
15 equipment and support necessary to enable the Oklahoma Native
16 American Liaison to carry out the duties and responsibilities of the
17 position.

18 E. The Oklahoma Native American Liaison shall:

19 1. Have the powers and duties over Native American issues and
20 state and tribal relation areas designated to the position by the
21 Governor;

22 2. ~~Be the designee of the Governor to negotiate cooperative~~
23 ~~agreements on behalf of the state with federally recognized Indian~~

24

1 ~~Tribal Governments within this state as set forth in Section 1221 of~~
2 ~~Title 74 of the Oklahoma Statutes;~~

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

7 ~~4.~~ 3. Coordinate with the Office of Tribal Relations within the
8 Oklahoma Historical Society on the gathering, preserving and
9 maintaining of all compacts and agreements between federally
10 recognized Indian ~~Tribal Governments~~ tribal governments and the
11 state and political subdivisions and all related records, documents
12 and materials;

13 ~~5.~~ ~~Oversee~~ 4. Monitor state agency consultation policies with
14 tribal governments;

15 ~~6.~~ 5. Monitor the interactions of state agencies with tribal
16 governments;

17 ~~7.~~ ~~Ensure~~ 6. Provide coordination, ~~consultation and~~
18 ~~cooperation~~ between tribes and state agencies for any activities of
19 the state agency that will directly affect tribal governments or
20 their property;

21 ~~8.~~ ~~Advise~~ 7. Inform tribes about ongoing or proposed state
22 programs that will affect tribal governments or their property;

23

24

1 ~~9. Cooperate~~ 8. Coordinate with tribal governments to
2 determine priorities of interest for possible cooperation between
3 the various agencies and the tribal governments;

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

8 ~~11. 10.~~ Ensure continuing outreach to tribes and shall
9 establish and maintain relationships with tribes and tribal
10 organizations; and

11 ~~12. 11.~~ Make an annual report on the interaction between the
12 state and state agencies and tribal governments and shall submit the
13 report to the Governor, the Speaker of the House of Representatives,
14 and the President Pro Tempore of the Senate.

15 SECTION 2. AMENDATORY 74 O.S. 2011, Section 1221, is
16 amended to read as follows:

17 Section 1221. A. The State of Oklahoma acknowledges federal
18 recognition of Indian ~~Tribes~~ tribes recognized by the Department of
19 Interior, Bureau of Indian Affairs.

20 B. The State of Oklahoma recognizes the unique status of Indian
21 ~~Tribes~~ tribes within the federal government and shall work in a
22 spirit of cooperation with all federally recognized Indian ~~Tribes~~
23 tribes in furtherance of federal policy for the benefit of both the
24 State of Oklahoma and ~~Tribal~~ tribal Governments.

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

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

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

22 D. 1. The governing board of a political subdivision of this
23 state is authorized to negotiate and enter into intergovernmental
24 cooperative agreements in behalf of the political subdivision, with

1 a federally recognized Indian ~~Tribal Government~~ tribal government
2 within this state to address issues of mutual interest. Except as
3 otherwise provided by this subsection, such agreements shall be
4 effective upon approval by the Joint Committee on State-Tribal
5 Relations and the Governor, or ~~the Oklahoma Native American Liaison~~
6 ~~as~~ the designee of the Governor.

7 2. Agreements for juvenile detention facilities made pursuant
8 to Section 2-3-103 of Title 10A of the Oklahoma Statutes shall
9 become effective upon approval by the board of county commissioners.

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

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

19 E. An executed original of every agreement approved pursuant to
20 this section shall be filed with the Secretary of State. A copy of
21 every agreement shall be filed with the Office of Tribal Relations
22 within the Oklahoma Historical Society.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 53-2-3386 MJM 4/11/2012 1:19:46 PM

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24