

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 HOUSE BILL 2564

By: Wesselhoft of the House

5 and

6 Stanislawski of the Senate

7  
8  
9 AS INTRODUCED

10 An Act relating to state government; amending 74 O.S.  
11 2011, Section 1221, which relates to cooperative  
12 agreements with Indian tribes; making an exception  
13 from certain provisions for certain transportation-  
14 related agreements; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 74 O.S. 2011, Section 1221, is  
17 amended to read as follows:

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

21 B. The State of Oklahoma recognizes the unique status of Indian  
22 ~~Tribes~~ tribes within the federal government and shall work in a  
23 spirit of cooperation with all federally recognized Indian ~~Tribes~~

1 tribes in furtherance of federal policy for the benefit of both the  
2 State of Oklahoma and ~~Tribal Governments~~ tribal governments.

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

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

18 3. Any cooperative agreement specified and authorized by  
19 paragraph 1 of this subsection involving the surface water and/or  
20 groundwater resources of this state or which in whole or in part  
21 apportions surface and/or groundwater ownership shall become  
22 effective only upon the consent of the Oklahoma Legislature  
23 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 5. Agreements between the Department of Transportation of the  
23 State of Oklahoma and an Indian tribe or the Oklahoma Turnpike

1 Authority and an Indian tribe for the maintenance and construction  
2 of transportation facilities, roads or bridges shall not be subject  
3 to the requirements of this section.

4 E. An executed original of every agreement approved pursuant to  
5 this section shall be filed with the Secretary of State. A copy of  
6 every agreement shall be filed with the Office of Tribal Relations  
7 within the Oklahoma Historical Society.

8 SECTION 2. It being immediately necessary for the preservation  
9 of the public peace, health and safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

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13 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/21/2012 -  
14 DO PASS, As Coauthored.

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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.