SENATE FLOOR VERSION
April 4, 2012

ENGROSSED HOUSE
BILL NO. 2564 By: Wesselhoft of the House

and

Stanislawski of the Senate

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

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

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

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

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

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

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

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

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

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

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

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

4. 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.

5. Agreements between the Department of Transportation of the State of Oklahoma and an Indian tribe or the Oklahoma Turnpike Authority and an Indian tribe for the maintenance and construction of transportation facilities, roads or bridges 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. A copy of every agreement shall be filed with the Office of Tribal Relations within the Oklahoma Historical Society.

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

COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 4-3-12 - DO PASS.