STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1257 By: Paddack

AS INTRODUCED

An Act relating to the Oklahoma Native American Liaison; amending 74 O.S. 2011, Sections 10.3 and 1207, which relate to the Governor's cabinet system and the Oklahoma Native American Liaison; providing for cabinet secretary status for Oklahoma Native American Liaison; modifying qualifications for Native American Liaison; and providing an effective date.

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

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

Section 10.3. A. Within forty-five (45) days of assuming office, each Governor may create a cabinet system for the executive branch of state government. The cabinet system may be an organizational framework created by executive order which includes all executive agencies, boards, commissions, or institutions and their assignments to specific cabinet areas. The cabinet system shall consist of no more than fifteen cabinet areas and each cabinet area shall consist of executive agencies, boards, commissions, or institutions with similar programmatic or administrative objectives.

One cabinet area shall consist of the Oklahoma Department of Veterans Affairs, its institutions and other executive agencies, boards, commissions and institutions which are related to veterans. One cabinet area shall consist of the Information Services Division of the Office of State Finance and all the functions of all executive agencies, boards, commissions and institutions related to information technology and telecommunications. The Governor's cabinet shall be in effect until the Legislature supersedes each cabinet area by providing by law for specific cabinet areas or departments, or removes by law the authority of the Governor to create a cabinet area.

B. The Governor shall appoint, with the advice and consent of the Senate, a Secretary to head each cabinet area. The Secretary appointee for the cabinet area consisting of the Oklahoma Department of Veterans Affairs and other related veterans entities shall be an honorably discharged veteran and be eligible to receive benefits from the United States Department of Veterans Affairs. The Secretary for the cabinet area consisting of the Information Services Division of the Office of State Finance and all related information technology and telecommunications functions of state government shall be the Chief Information Officer who shall be appointed pursuant to Section ~~2~~ 34.11.1 of ~~this act~~ Title 62 of the Oklahoma Statutes. The Secretary for the cabinet area relating to Native American affairs shall be the Oklahoma Native American

Liaison appointed as provided for in Section 1207 of this title. A cabinet Secretary may be appointed as a position funded by the Office of the Governor from funds available to that office, or appointed as a cabinet Secretary from among the agency heads within the cabinet area. The cabinet Secretaries shall:

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

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

3. Coordinate information gathering for the Legislature as requested.

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

SECTION 2. AMENDATORY 74 O.S. 2011, Section 1207, is amended to read as follows:

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

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

C. Any person appointed to the position of Oklahoma Native American Liaison shall be ~~an American Indian of at least one-fourth (1/4) blood~~ a member of a federally recognized American Indian tribe or nation that has its primary tribal headquarters located in this state.

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

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

E. The Oklahoma Native American Liaison shall:

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

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

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

4. Coordinate with the Office of Tribal Relations within the Oklahoma Historical Society on the gathering, preserving and maintaining of all compacts and agreements between Indian Tribal Governments and the state and political subdivisions and all related records, documents and materials;

5. Oversee state agency consultation policies with tribal governments;

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

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

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

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

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

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

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

SECTION 3. This act shall become effective November 1, 2012.

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