

1 **SENATE FLOOR VERSION**

February 8, 2016

2 **AS AMENDED**

3 SENATE BILL NO. 1326

By: Treat

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6 An Act relating to government agreements; requiring
7 certain compacts and agreements to receive certain
8 approval; providing exceptions; clarifying
9 application; amending 74 O.S. 2011, Section 1221, as
10 last amended by Section 2, Chapter 299, O.S.L. 2012
11 (74 O.S. Supp. 2015, Section 1221), which relates to
12 cooperative agreements with tribes; modifying
13 approval process for certain agreements; deleting
14 certain exceptions; modifying delivery requirements;
15 providing for codification; and providing an
16 effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 466 of Title 74, unless there is
20 created a duplication in numbering, reads as follows:

21 Upon the effective date of this act and notwithstanding any
22 other provision of law and except for cooperative agreements entered
23 into pursuant to paragraph 3 of subsection C and paragraph 3 of
24 subsection D of Section 1221 of Title 74 of the Oklahoma Statutes,
all compacts and cooperative agreements shall require, in addition
to any other requirements as may be provided by law, approval by
two-thirds of members elected to the Senate before such compact or
cooperative agreement shall become effective. The provisions of

1 this section shall also apply to any renewal of an existing compact
2 or cooperative agreement.

3 SECTION 2. AMENDATORY 74 O.S. 2011, Section 1221, as
4 last amended by Section 2, Chapter 299, O.S.L. 2012 (74 O.S. Supp.
5 2015, Section 1221), is amended to read as follows:

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

9 B. The State of Oklahoma recognizes the unique status of Indian
10 tribes within the federal government and shall work in a spirit of
11 cooperation with all federally recognized Indian tribes in
12 furtherance of federal policy for the benefit of both the State of
13 Oklahoma and tribal governments.

14 C. 1. The Governor is authorized to negotiate and enter into
15 cooperative agreements on behalf of this state with federally
16 recognized Indian tribal governments within this state to address
17 issues of mutual interest. The Governor may elect to name a
18 designee who shall have authority to negotiate and enter into
19 cooperative agreements on behalf of the state with federally
20 recognized Indian tribes as provided for in this section. Except as
21 otherwise provided by this subsection, such agreements shall become
22 effective upon ~~approval by the Joint Committee on State-Tribal~~
23 ~~Relations~~ the consent of the Senate provided there is approval by
24 two-thirds of members elected to the Senate.

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

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

11 D. 1. The governing board of a political subdivision of this
12 state is authorized to negotiate and enter into intergovernmental
13 cooperative agreements in behalf of the political subdivision, with
14 a federally recognized Indian tribal government within this state to
15 address issues of mutual interest. Except as otherwise provided by
16 this subsection, such agreements shall be effective upon ~~approval by~~
17 ~~the Joint Committee on State-Tribal Relations~~ the consent of the
18 Senate provided there is approval by two-thirds of members elected
19 to the Senate and the Governor, or the designee of the Governor.

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

23 3. Any cooperative agreement specified and authorized by
24 paragraph 1 of this subsection involving the surface water and/or

1 groundwater resources of this state shall become effective only upon
2 the consent of the Oklahoma Legislature authorizing such cooperative
3 agreement.

4 ~~4. Agreements between the Military Department of the State of~~
5 ~~Oklahoma and an Indian tribe for the management or operation of a~~
6 ~~juvenile facility shall not be subject to the requirements of this~~
7 ~~section.~~

8 **5. Agreements between the Department of Transportation of the**
9 **State of Oklahoma and an Indian tribe or the Oklahoma Turnpike**
10 **Authority and an Indian tribe for the maintenance and construction**
11 **of transportation facilities, roads or bridges shall not be subject**
12 **to the requirements of this section.**

13 E. An executed original of every agreement approved pursuant to
14 this section shall be filed with the Secretary of State and the
15 President Pro Tempore of the Senate. A copy of every agreement
16 shall be filed with the Office of Tribal Relations within the
17 Oklahoma Historical Society.

18 SECTION 3. This act shall become effective November 1, 2016.

19 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
20 February 8, 2016 - DO PASS AS AMENDED
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