

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1326

By: Treat

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5
6 AS INTRODUCED

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

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

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

22 Upon the effective date of this act and notwithstanding any
23 other provision of law and except for cooperative agreements entered
24 into pursuant to paragraph 3 of subsection C and paragraph 3 of
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

1 two-thirds of members elected to the Senate before such compact or
2 cooperative agreement shall become effective. The provisions of
3 this section shall also apply to any renewal of an existing compact
4 or cooperative agreement.

5 SECTION 2. AMENDATORY 74 O.S. 2011, Section 1221, as
6 last amended by Section 2, Chapter 299, O.S.L. 2012 (74 O.S. Supp.
7 2015, Section 1221), is amended to read as follows:

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

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

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

1 ~~Relations~~ the consent of the Senate provided there is approval by
2 two-thirds of members elected to the Senate.

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

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

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

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

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

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

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

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

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

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