

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 439

By: Jett

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5
6 AS INTRODUCED

7 An Act relating to state-tribal relations; amending
8 74 O.S. 2011, Section 1221, as last amended by
9 Section 2, Chapter 299, O.S.L. 2012 (74 O.S. Supp.
10 2020, Section 1221), which relates to the recognition
11 of Indian tribes; requiring state agencies to
12 designate a liaison to serve as point of contact
13 between the state and tribal governments; referencing
14 definition; establishing duties of the liaison; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 74 O.S. 2011, Section 1221, as
18 last amended by Section 2, Chapter 299, O.S.L. 2012 (74 O.S. Supp.
19 2020, Section 1221), is amended to read as follows:

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

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

1 furtherance of federal policy for the benefit of both the State of
2 Oklahoma and 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 within this state to address
6 issues of mutual interest. The Governor may elect to name a
7 designee who shall have authority to negotiate and enter into
8 cooperative agreements on behalf of the state with federally
9 recognized Indian tribes as provided for in this section. Except as
10 otherwise provided by this subsection, such agreements shall become
11 effective upon approval by the Joint Committee on State-Tribal
12 Relations.

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

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

23 D. 1. The governing board of a political subdivision of this
24 state is authorized to negotiate and enter into intergovernmental

1 cooperative agreements in behalf of the political subdivision, with
2 a federally recognized Indian tribal government within this state to
3 address issues of mutual interest. Except as otherwise provided by
4 this subsection, such agreements shall be effective upon approval by
5 the Joint Committee on State-Tribal Relations and the Governor, or
6 the designee of the Governor.

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

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

15 4. Agreements between the Military Department of the State of
16 Oklahoma and an Indian tribe for the management or operation of a
17 juvenile facility shall not be subject to the requirements of this
18 section.

19 5. Agreements between the Department of Transportation of the
20 State of Oklahoma and an Indian tribe or the Oklahoma Turnpike
21 Authority and an Indian tribe for the maintenance and construction
22 of transportation facilities, roads or bridges shall not be subject
23 to the requirements of this section.

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

5 F. Every state agency, as defined pursuant to Section 34.29 of
6 Title 62 of the Oklahoma Statutes, shall designate a liaison to
7 serve as a point of contact for the federally recognized Indian
8 tribes residing in the geographical boundaries of this state. It
9 shall be the duty of the liaison to assist both this state and
10 tribal governments in addressing issues of mutual interest.

11 SECTION 2. This act shall become effective November 1, 2021.

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