# An Act

ENROLLED HOUSE
BILL NO. 2563

By: Wesselhoft, Billy, Shoemake, Roan, Fourkiller, Walker and Scott of the House

and

Brecheen of the Senate

An Act relating to state-tribal relations; amending 74 O.S. 2011, Section 1207, which relates to the Oklahoma Native American Liaison; changing appointment date; modifying certain eligibility requirements; deleting certain duty; modifying duties; updating statutory language; amending 74 O.S. 2011, Section 1221, as amended by Section 1 of Enrolled House Bill No. 2564 of the 2nd Session of the 53rd Oklahoma Legislature, which relates to cooperative agreements with Indian tribes; deleting requirement that the Oklahoma Native American Liaison be the designee of the Governor; and deleting reference to the Oklahoma Native American Liaison as designee.

SUBJECT: State-tribal relations

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

SECTION 1. 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 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~~ 2012.

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 or citizen of a federally recognized American Indian tribe or nation that has its primary tribal headquarters located in Oklahoma and shall have valid proof of membership or citizenship.

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~~ tribal governments within this state;

~~4.~~ 3. Coordinate with the Office of Tribal Relations within the Oklahoma Historical Society on the gathering, preserving and maintaining of all compacts and agreements between federally

recognized Indian ~~Tribal Governments~~ tribal governments and the state and political subdivisions and all related records, documents and materials;

~~5. Oversee~~ 4. Monitor state agency consultation policies with tribal governments;

~~6.~~ 5. Monitor the interactions of state agencies with tribal governments;

~~7. Ensure~~ 6. Provide 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~~ 7. Inform tribes about ongoing or proposed state programs that will affect tribal governments or their property;

~~9. Cooperate~~ 8. Coordinate with tribal governments to determine priorities of interest for possible cooperation between the various agencies and the tribal governments;

~~10. Advise~~ 9. Inform 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.~~ 10. Ensure continuing outreach to tribes and shall establish and maintain relationships with tribes and tribal organizations; and

~~12.~~ 11. 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 2. AMENDATORY 74 O.S. 2011, Section 1221, as amended by Section 1 of Enrolled House Bill No. 2564 of the 2nd Session of the 53rd Oklahoma Legislature, is amended to read as follows:

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

B. The State of Oklahoma recognizes the unique status of Indian tribes within the federal government and shall work in a spirit of cooperation with all federally recognized Indian tribes in furtherance of federal policy for the benefit of both the State of Oklahoma and 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 within this state to address issues of mutual interest. The Governor may elect to name a designee ~~which~~ who 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 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.

Passed the House of Representatives the 21st day of May, 2012.

Presiding Officer of the House of Representatives

Passed the Senate the 23rd day of May, 2012.

Presiding Officer of the Senate

**OFFICE OF THE GOVERNOR**

**Received by the Governor this** 24th

**day of** May, **20** 12,

**at** 10:57 **o'clock** AM.

**By:** Jamie R. Rogers

**Approved by the Governor of the State of Oklahoma the** 29th **day of** May, **20** 12, **at** 9:57 **o'clock** A **M.**

**Governor of the State of Oklahoma**

**OFFICE OF THE SECRETARY OF STATE**

**Received by the Secretary of State this** 29th **day of** May, **20** 12,

**at** 3:51 **o'clock** P **M.**

**By:** Michelle R. Day