

OKLAHOMA STATUTES  
TITLE 80. UNITED STATES

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§80-1. State's consent to acquisition of lands by United States.

A. The consent of this state is hereby given, in accordance with Section 8 of Article I of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any land in this state required for sites for custom houses, post offices, arsenals, forts, magazines, dockyards, military reserves, irrigation or drainage projects, municipal water facilities or for needful public buildings.

The consent of this state is also given to the acquisition of land by the United States, by condemnation only with the consent of the owner, or purchase, gift or exchange, for the purpose of

consolidation within existing boundaries of national forests within this state.

B. Land outside of any incorporated municipality, which is being considered for acquisition by the United States for any other purpose, whether by fee or easement, may be acquired only after consent of a majority of the Legislature of the State of Oklahoma.

C. Any land which has been classified as a wetland by the Secretary of the Army and which is being considered for acquisition by fee, over the objection of the landowner, may be acquired only after consent of a majority of the Legislature of this state. Provided, the Oklahoma Department of Transportation and the Oklahoma Turnpike Authority shall be exempt from this requirement.

D. Any restricted use of land in this state as a result of the classification of such land as a wetland by the Secretary of the Army shall constitute an acquisition of an easement pursuant to the provisions of this section and such easement, if over the objection of the landowner, may be acquired only after approval of a wetlands plan by the Legislature of this state which includes just compensation by the acquiring authority.

R.L. 1910, § 3190; Laws 1915, c. 46, § 1; Laws 1979, c. 153, § 1, emerg. eff. May 9, 1979; Laws 1993, c. 99, § 2, emerg. eff. April 20, 1993.

§80-2. Jurisdiction ceded to United States over lands acquired.

Exclusive jurisdiction in and over any lands so acquired by the United States shall be, and the same is hereby ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this state; but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands.

R.L.1910, § 3191.

§80-3. Vesting of jurisdiction - Exemption of lands from taxation.

The jurisdiction ceded shall not vest until the United States shall have acquired the title of said lands by purchase, condemnation or otherwise; and so long as the said lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all state, county and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this state.

R.L.1910, § 3192.

§80-4. Military reservation ceded - Rights reserved.

Exclusive jurisdiction be, and the same is hereby ceded to the United States over all the territory now owned by the United States and comprised within the limits of the Military Reservation of Fort

Sill, in Comanche County, as declared from time to time by the President of the United States, and over such lands as may hereafter be acquired for the enlargement of said reservation; provided, however, that the State of Oklahoma reserves the right to serve civil or criminal process within said reservation in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said state but outside of such cessions and reservation; provided, further, that the State of Oklahoma reserves the right to tax railroad companies and other corporations and their franchises and property on said reservation; and provided, further, that the jurisdiction herein ceded shall continue no longer than the United States shall own and hold said reservation for military purposes.

Laws 1913, c. 52, p. 90, § 1; Laws 1986, c. 248, § 2, emerg. eff. June 13, 1986.

§80-4.1. El Reno Federal Correctional Institution and El Reno Federal Prison Camp - Jurisdiction.

Jurisdiction shall be, and the same is hereby ceded to the United States over the tract of land comprised within the limits of the El Reno Federal Correctional Institution and El Reno Federal Prison Camp, an area about three thousand five hundred ninety-five (3,595) acres in Canadian County; provided, however, that the State of Oklahoma reserves concurrent jurisdiction to enforce the criminal laws of the State of Oklahoma within the said correctional institution and prison camp; and reserves the right to serve civil or criminal process within said correctional institution and prison camp in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said state but outside of said correctional institution and prison camp.

Added by Laws 1986, c. 248, § 3, emerg. eff. June 13, 1986.

§80-4.2. Oklahoma City Federal Transfer Center - Concurrent jurisdiction.

Notwithstanding any other provision of law, concurrent jurisdiction is hereby ceded to the United States over the tract of land comprised and any tracts of land hereafter comprised within the limits of the Oklahoma City Federal Transfer Center, a facility which is leased to the United States and located at the Will Rogers World Airport in Oklahoma City, County of Oklahoma. The State of Oklahoma reserves concurrent jurisdiction to enforce the criminal and civil laws of this state within the correctional facility. The jurisdiction so ceded shall continue no longer than the United States shall lease or own such lands or portions thereof.

Added by Laws 1997, c. 76, § 1, emerg. eff. April 9, 1997.

§80-5. National cemetery ceded - Rights reserved.

Exclusive jurisdiction be, and the same is hereby ceded to the United States over the tract of land comprised within the cemetery known as the Fort Gibson National Cemetery, area about nine (9) acres in Muskogee County; provided, however, that the State of Oklahoma reserves the right to serve civil or criminal process within said cemetery reservation in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said state but outside of said cemetery reservation. Laws 1913, c. 58, p. 95, § 1.

§80-6. Concurrent jurisdiction with United States over land acquired.

The State of Oklahoma shall retain a concurrent jurisdiction with the United States in and over any lands acquired, so far that civil process in all cases, and such criminal process as may issue under the authority of the State of Oklahoma against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this act had not been passed.

Laws 1925, c. 42, p. 61, § 1; Laws 1979, c. 153, § 2, emerg. eff. May 9, 1979.

§80-7. Congress authorized to administer ceded lands.

Power is hereby conferred upon Congress of the United States to pass such laws and to make or provide for the making of such rules and regulations of both a civil and criminal nature, and provide punishment therefor, as in its judgment may be necessary for the administration, control and protection of such lands as may be from time to time acquired by the United States under the provisions of this act.

Laws 1925, c. 42, p. 62, § 2, emerg. eff. April 8, 1925.

§80-8. Flood control - Consent to acquisition of lands - Rights reserved - Powers ceded.

The consent of the State of Oklahoma is hereby given to the acquisition by the United States by purchase, gift, or condemnation with adequate compensation, of such lands in Oklahoma, as in the opinion of the federal government may be needed for programs and works of improvement for runoff and waterflow retardation and soil erosion prevention or other purposes, in the interest of flood control, within the state in accordance with the programs provided for such purpose in Section 13 of the Act of the Congress of the United States approved December 22, 1944, and entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes;" provided, that the State of Oklahoma shall retain a concurrent jurisdiction with the United States in and over the lands so acquired, so far that

civil process in all cases, and such criminal process as may issue under the authority of the State of Oklahoma against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this act had not been passed. The state's concurrent jurisdiction over said lands also shall include the power to tax property and transactions not exempt from the taxing power of the state. Power is hereby conferred upon the Congress of the United States to pass such laws and to make or provide for the making of such rules and regulations, of both a civil and criminal nature, and provide punishment thereof, as in its judgment may be necessary for the administration, control and protection of such lands as may be from time to time acquired by the United States, under the provisions of this section.

Laws 1945, p. 395, § 1, emerg. eff. April 28, 1945.

§80-9. Repealed by Laws 1951, p. 91, § 608.

§80-10. Repealed by Laws 1951, p. 91, § 608.

§80-11. Repealed by Laws 1951, p. 91, § 608.

§80-12. Federal land - Acceptance of jurisdiction.

The consent of the State of Oklahoma is hereby given to the retrocession of jurisdiction, either partially or wholly, by the United States of America over lands owned by the United States of America within the boundaries of Oklahoma, and the Governor of the State of Oklahoma is hereby authorized to accept for the State of Oklahoma such retrocession of jurisdiction.

Laws 1975, c. 96, § 1. Renumbered from Title 64, § 162.3.

§80-13. Federal land - Filing of acceptance.

When the State of Oklahoma receives written notice from the duly authorized official or agent of the United States of America that the United States of America desires or is willing to relinquish to the State of Oklahoma jurisdiction, or a portion thereof, over certain lands owned by the United States of America, the Governor may accept such relinquishment when deemed advisable. Upon such acceptance and approval by the Governor retrocession of jurisdiction shall become fully effective upon the filing of the original acceptance and/or approval with the Secretary of State of the State of Oklahoma.

Laws 1975, c. 96, § 2. Renumbered from Title 64, § 162.4.

§80-21. Expired.

§80-22. Expired.

§80-23. Expired.

§80-24. Investigation of persons required to register under Selective Service and Training Act.

The Oklahoma Public Welfare Commission is hereby authorized to accept grants or funds from the federal government of money or services for the purpose of investigating persons required to register under the provisions of the Federal Selective Service and Training Act of 1940 and any and all amendments thereto.  
Laws 1945, p. 177, § 1.

§80-25. Designation of employees - Additional employees.

The Public Welfare Commission of Oklahoma is hereby authorized to designate regular employees of said Commission to perform such investigative services. Said Commission may, if deemed necessary, hire additional employees to perform the particular investigations described herein; provided such regular employees or additional employees shall receive their compensation and expenses from such grants or funds received by said Commission from the federal government.

Laws 1945, p. 177, § 2.

§80-31. Repealed by Laws 1947, p. 620, § 8.

§80-32. Repealed by Laws 1947, p. 620, § 8.

§80-33. Repealed by Laws 1947, p. 620, § 8.

§80-34.1. Authority to purchase, lease or receive as gift - Competitive bidding not required.

This state, its departments, boards, commission, institutions, and state agencies, political subdivisions, and school districts of the state may purchase, lease, or receive as gifts or donations, any surplus property offered for sale, lease, or donation by the United States Government or any of the agencies thereof, pursuant to the applicable provisions of the "Surplus Property Act of 1944", or amendments thereto, or any act providing for the disposal of surplus property enacted by the Congress of the United States. Laws requiring the state or any of its political subdivisions to purchase property, goods, wares, or merchandise under the terms of competitive bid statutes shall not apply to the purchase of surplus property as provided in this act.

Added by Laws 1947, p. 619, § 1, emerg. eff. May 8, 1947. Amended by Laws 2000, c. 218, § 5, eff. Nov. 1, 2000.

§80-34.2. Surplus Property Agent - Rules for acquisition of surplus property - Determination of fees.

A. The Director of the Office of Management and Enterprise Services shall appoint and fix the duties and compensation of a Surplus Property Agent. The Purchasing Division of the Office of Management and Enterprise Services shall purchase for the Surplus Property Agent a bond payable to the State of Oklahoma in the sum of Fifty Thousand Dollars (\$50,000.00), conditioned for the faithful performance of the duties of the Surplus Property Agent.

B. Pursuant to the provisions of Sections 34.1 through 34.6 of this title, the Director of the Office of Management and Enterprise Services shall promulgate rules for acquisition of surplus property by the Surplus Property Agent, state departments, institutions and agencies, and other authorized entities. The rules shall provide for the determination of a reasonable fee to assess the state departments, institutions and agencies, and other authorized entities for surplus property. The fee determination shall include costs the Surplus Property Agent incurs to acquire, warehouse, distribute, and other administrative costs and expenses.

Added by Laws 1947, p. 619, § 2, emerg. eff. May 8, 1947. Amended by Laws 1955, p. 533, § 3; Laws 1983, c. 304, § 161, eff. July 1, 1983; Laws 2000, c. 218, § 6, eff. Nov. 1, 2000; Laws 2012, c. 304, § 1058.

#### §80-34.3. Duties of Surplus Property Agent.

A. The Surplus Property Agent shall, under the supervision and direction of the Director of the Office of Management and Enterprise Services:

1. Ascertain from the federal government through any of its agencies, any surplus property available for sale, lease, or donation either within or outside this state and shall notify the state departments, boards, commissions, institutions, and agencies, counties, cities, and towns, and school districts of the availability of such property as is deemed necessary according to the types and quantities of property available;

2. Secure from state departments, boards, commissions, institutions, and agencies and from counties, cities, and towns, and school districts, estimates of their needs for surplus property and keep federal agencies informed of such needs;

3. Purchase, or accept as gifts or donations, any surplus property from the federal government, its departments or agencies for redistribution, by sale or donation to any state department, board, commission, institution, or agency and to counties, cities, or towns, and school districts, and provide for the care and handling, transportation, and warehousing of property if necessary;

4. Distribute surplus property to state departments, boards, commissions, institutions, and agencies and to counties, cities, towns, school districts, and other entities authorized by the federal government to receive federal surplus property, provided,

the entity reimburses the Surplus Property Agent for the purchase price and expenses incurred in connection with acquiring, warehousing, and distributing the surplus property;

5. With the approval of the Director of the Office of Management and Enterprise Services, employ such employees and assistants as may be necessary to carry out the purposes of Sections 34.1 through 34.6 of this title;

6. Make acquisition of surplus automobiles in a manner consistent with other applicable sections of law in this state; and

7. Perform other duties as are necessary for the purposes of Sections 34.1 through 34.6 of this title.

B. The surplus property agent may participate in programs through which the Government of the United States offers to provide surplus military equipment, including weapons, protective clothing and transportation devices.

Added by Laws 1947, p. 619, § 3, emerg. eff. May 8, 1947. Amended by Laws 1983, c. 304, § 162, eff. July 1, 1983; Laws 1989, c. 300, § 20, emerg. eff. May 25, 1989; Laws 2000, c. 218, § 7, eff. Nov. 1, 2000; Laws 2004, c. 132, § 1, eff. Nov. 1, 2004; Laws 2012, c. 304, § 1059.

#### §80-34.4. Requisitions.

Agencies of the state, political subdivisions, or authorized entities shall file requisitions with the Surplus Property Agent for any surplus property which they wish to acquire.

Added by Laws 1947, p. 620, § 4, emerg. eff. May 8, 1947. Amended by Laws 2000, c. 218, § 8, eff. Nov. 1, 2000.

#### §80-34.5. Nonprofit tax-exempt institutions - Trustees of public trusts - Acquisition of property for.

The State Surplus Property Agent may acquire property for nonprofit tax-exempt institutions and for the trustees of every trust created for the benefit and furtherance of any public function with the state or any political or governmental subdivision as the beneficiary thereof, under the same terms as for institutions of the state or any of its political subdivisions.

Laws 1947, p. 620, § 5, emerg. eff. May 8, 1947; Laws 1969, c. 326, § 1, emerg. eff. May 7, 1969.

#### §80-34.6. State Surplus Property Revolving Fund.

There is hereby created in the State Treasury a revolving fund to be designated as the "State Surplus Property Revolving Fund" which shall consist of all monies appropriated thereto by the Legislature and all monies received by the Surplus Property Agent from state departments, boards, commissions, institutions, and agencies and from counties, cities, and towns, and school districts and other authorized program participants as a reimbursement to the



state of monies spent in acquiring surplus property for such entities, and for services to the entities. The State Surplus Property Revolving Fund shall be a continuing fund, not subject to fiscal year limitations, and shall be expended by the Surplus Property Agent, under the supervision of the Director of the Office of Management and Enterprise Services, for any expense incurred in the handling, transportation, warehousing, distribution of surplus property received by purchase or donation, including the purchase of trucks and equipment, the salary of the Surplus Property Agent and other employees' salaries, other necessary expenses incurred in program administration and operation and expenses the Office of Management and Enterprise Services incurs to support program operations. Expenditures shall be made from the fund on claims signed by the Surplus Property Agent and approved for payment by the Director of the Office of Management and Enterprise Services. Excess funds above the operational needs may be invested in any of the types of instruments in which the State Treasurer is authorized by law to invest. Interest earned shall be retained by the State Surplus Property Revolving Fund, and the funds may be expended by the Office of Management and Enterprise Services to acquire, improve, or maintain state agency surplus property facilities. Added by Laws 1947, p. 620, § 6, emerg. eff. May 8, 1947. Amended by Laws 1955, p. 467, § 1, emerg. eff. June 2, 1955; Laws 1959, p. 439, § 3, emerg. eff. July 8, 1959; Laws 1973, c. 46, § 5, operative July 1, 1973; Laws 1983, c. 304, § 163, eff. July 1, 1983; Laws 2000, c. 218, § 9, eff. Nov. 1, 2000; Laws 2003, c. 372, § 14, eff. July 1, 2003; Laws 2008, c. 352, § 4, eff. Nov. 1, 2008; Laws 2012, c. 304, § 1060.

§80-34.7. Repealed by Laws 2000, c. 218, § 10, eff. Nov. 1, 2000.

§80-41. Use of names including certain words prohibited.

It shall be unlawful for any individual, corporation or partnership to sell or offer for sale any surplus materials as defined in the Act of October 3, 1944, C. 479, 58 Statutes 765, known as the "Surplus Property Act of 1944", who or which carries or trades under, or in any way uses in dealing with the public, directly or indirectly, any name which by reason of the inclusion of a word or words such as "Army", "Navy", "United States", "Federal", "Treasury", "Procurement", "G.I.", or any others which connote the United States Government or its armed forces, or any of its departments or agencies, has a tendency to lead the purchasing public to believe, contrary to fact, that the establishment at which such materials are offered for sale has some official relationship to the United States Government, or that all of the articles sold or offered for sale are such surplus materials, or that the articles there sold are of higher quality and lower prices than those

elsewhere obtainable; provided, however, that this act shall not apply to any corporation all of the stock of which is owned by the United States Government.

Laws 1945, p. 396, § 1.

§80-42. Sales to or contracts with dealers using prohibited names.

No contract to sell, sale, or any other arrangement concerning the disposition of any such surplus materials, as defined in the Surplus Property Act of 1944, shall be made to any individual, corporation or partnership who or which carries or trades under, or in any way uses in dealing with the public, or intends to use in retailing the same, directly or indirectly, any name which includes the words quoted or referred to in Section 1 hereof; provided, however that this section shall not apply to any corporation all of the stock of which is owned by the United States Government, nor shall it apply to any establishment which, for ten (10) years prior to the enactment of this act, has utilized any such terms as a part of its trading name.

Laws 1945, p. 396, § 2.

§80-43. Punishment for violations.

Any person, firm, corporation, partnership or association who violates the provisions of this act shall be deemed guilty of misdemeanor, and upon conviction therefor, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

Laws 1945, p. 397, § 3.

§80-44. Partial invalidity.

If any section, sentence, clause or word of this act shall be held to be unconstitutional, the invalidity of such section, sentence, clause or word shall not effect the validity of any other portion of this act, it being the intent of this legislative assembly to enact the remainder of this act, notwithstanding such part so declared unconstitutional should or may be so declared.

Laws 1945, p. 397, § 4.

§80-50. Maintenance of federal road or highway located on United States Army Corps of Engineers' property - Lack of federal funds - County authority to maintain.

Should any highways or roads located on any property owned and operated by the United States Army Corps of Engineers within the State of Oklahoma close or fail to open for any amount of time due to loss of federal funds in a federal government shutdown or for any other reason, the county in which the road or highway is located may open and maintain the road or highway. This shall be accomplished

upon a majority vote of the board of county commissioners that declares the road or highway is needed for an emergency route. Added by Laws 2014, c. 289, § 1, emerg. eff. May 13, 2014.

§80-101. Legislative review of federal actions - Initiation of court actions.

A. The Legislature may review any executive order issued by the President of the United States, federal agency rule or federal congressional action to determine the constitutionality of such action. Upon recommendation from the Legislature, the Attorney General, through the State Reserved Powers Protection Unit, shall review such action by the federal government to determine the constitutionality of the action and whether the state should seek an exemption from the application of the action or seek to have the action declared unconstitutional by a court of competent jurisdiction and prevent, prohibit or enjoin enforcement of the unconstitutional order, rule or action.

B. Should the Attorney General decline to pursue action based upon the determination of the Legislature, the Legislature may by a majority vote initiate an action to seek an exemption from the application of the action or seek to have the action declared unconstitutional by a court of competent jurisdiction and prevent, prohibit or enjoin enforcement of the unconstitutional order, rule or action.

C. Notwithstanding any other provision of law, the state, county, political subdivision or any other publicly funded organization shall not implement, adopt or enforce any order, federal agency rule or federal congressional action declared unconstitutional by a court of competent jurisdiction under subsection A or B of this section including, but not limited to:

1. Pandemics or other health emergencies;
2. The regulation of natural resources, including oil and natural gas;
3. The regulation of the agriculture industry;
4. The use of land;
5. The regulation of the financial sector as it relates to environmental, social or governance standards;
6. The regulation of the constitutional right to keep and bear arms;
7. The regulation of education;
8. The regulation of interscholastic, intramural or other extracurricular sports sponsored by an institution of higher education, a school district or a charter school; or
9. Any other powers reserved by the State of Oklahoma or the people of Oklahoma.

Added by Laws 2021, c. 530, § 3, eff. July 1, 2021.