

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3119

By: Williams

AS INTRODUCED

An Act relating to State-Tribal relations; amending 74 O.S. 2021, Section 1221, which relates to Indian tribes; requiring Governor to extend certain offer to federally recognized Indian tribal government; providing requirements of offer; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 1221, 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.

1 C. 1. The Governor is authorized to negotiate and enter into  
2 cooperative agreements on behalf of this state with federally  
3 recognized Indian tribal governments within this state to address  
4 issues of mutual interest. The Governor may elect to name a  
5 designee who shall have authority to negotiate and enter into  
6 cooperative agreements on behalf of the state with federally  
7 recognized Indian tribes as provided for in this section. Except as  
8 otherwise provided by this subsection, such agreements shall become  
9 effective upon approval by the Joint Committee on State-Tribal  
10 Relations.

11 2. If the Governor or the Governor's designee and the federally  
12 recognized Indian tribal government are unable to negotiate and  
13 enter into a cooperative agreement within seven (7) days, the  
14 Governor shall extend an offer and make a good faith effort to meet  
15 with the federally recognized Indian tribal government at least once  
16 every month for six (6) months to continue negotiations. If, after  
17 six (6) months, the Governor and the federally recognized Indian  
18 tribal government are unable to negotiate and enter into a  
19 cooperative agreement, the Governor shall extend the offer to meet  
20 with the tribal government once every month for an additional six  
21 (6) months to continue negotiations.

22 3. If the cooperative agreements specified and authorized by  
23 paragraph 1 of this subsection involve trust responsibilities,  
24

--

1 approval by the Secretary of the Interior or designee shall be  
2 required.

3 ~~3.~~ 4. Any cooperative agreement specified and authorized by  
4 paragraph 1 of this subsection involving the surface water and/or  
5 groundwater resources of this state or which in whole or in part  
6 appertains surface and/or groundwater ownership shall become  
7 effective only upon the consent of the Oklahoma Legislature  
8 authorizing such cooperative agreement.

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

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

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

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

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

10           E. An executed original of every agreement approved pursuant to  
11 this section shall be filed with the Secretary of State. A copy of  
12 every agreement shall be filed with the Office of Tribal Relations  
13 within the Oklahoma Historical Society.

14           SECTION 2. This act shall become effective November 1, 2024.

15  
16           59-2-8592           CMA           12/27/23  
17  
18  
19  
20  
21  
22  
23  
24  
--