

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2343:

Miller (Ray)

AS INTRODUCED

An Act relating to the Oklahoma Housing Authorities Act; amending 63 O.S. 2001, Section 1057, which relates to Indian housing authorities; authorizing certain Indian tribes to take control of certain housing authorities; specifying certain procedures; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1057, is amended to read as follows:

Section 1057. A. There is hereby created, with respect to each Indian tribe, band, or nation in the state, a public body corporate and politic, to function in the operating area of such Indian tribe, band, or nation to be known as the "housing authority" of said Indian tribe, band, or nation, which shall be an agency of the State of Oklahoma, possessing all powers, rights, and functions herein specified for city and county authorities created pursuant to this act: Provided that said Indian housing authority shall not transact any business nor exercise its powers hereunder until or unless the governing council of said tribe, band, or nation, as the case may be, by proper resolution, declares that there is a need for an authority to function for said tribe, band, or nation.

B. Except as otherwise provided in this act, all the provisions of law applicable to housing authorities created for cities and counties and the commissioners of such authorities shall be applicable to Indian housing authorities and the commissioners thereof, unless a different meaning clearly appears from the context. The Chief or other governing head of an Indian tribe,

band, or nation is hereby authorized to exercise all appointing and other powers with respect to an Indian housing authority that are vested by this act in the mayor of a city relating to a City Housing Authority.

C. 1. The governing council of each of the Five Civilized Tribes, consisting of the Choctaw, Chickasaw, Cherokee, Seminole and Muscogee (Creek) tribes, for whom a state agency Indian housing authority has in the past or is presently transacting business or exercising powers under the Oklahoma Housing Authorities Act, may undertake the management and control of the state housing authority created for the tribe. A tribe can exercise this power by adopting a resolution to begin managing and controlling the existing state agency Indian housing authority.

2. The resolution of the governing council of the tribe exercising its power to undertake the management and control of the state agency Indian housing authority created for the tribe must be filed in the Office of the Secretary of State for the State of Oklahoma and in the office of the county clerk in which the state agency Indian housing authority created for that tribe owns or leases real property or any interest therein. Upon the filing of such a resolution with the Office of the Secretary of State, the management and control of the state agency Indian housing authority, together with ownership of all the assets and liabilities of the housing authority, shall transfer to the Indian tribe and the state agency Indian housing authority created for the tribe shall cease to exist.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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