ENROLLED SENATE
BILL NO. 1706

By: Shurden of the Senate

and

Billy, Miller (Ray), Turner and Bingman of the House

An Act relating to the Muscogee (Creek) Nation Housing Authority; making legislative findings; authorizing the Muscogee (Creek) Nation to assume management and control of the state agency, Muscogee (Creek) Nation Housing Authority; requiring passage of certain resolution and filing in certain offices to transfer management and control; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. The Oklahoma Legislature hereby finds that, under the authority of Section 1057 of Title 63 of the Oklahoma Statutes a state agency, Muscogee (Creek) Nation Housing Authority, has been operating a housing authority program in the operating area of the Muscogee (Creek) Nation for the benefit of its members. The state agency housing authority has been funded exclusively with federal funds provided for the purpose of providing housing for members of the Muscogee (Creek) Nation. The state agency housing authority has at all times been managed by tribal members appointed by the tribe's governing head. At the time the state agency housing authority began operating, the Muscogee (Creek) Nation was not eligible to receive federal funding for housing authority purposes. The Muscogee (Creek) Nation is now eligible to receive federal housing authority funds, has received such funds for several years, and has created a tribal housing authority for the purpose of providing housing to its tribal members. Federal monies are no longer provided to the state agency, Muscogee (Creek) Nation Housing Authority. Both the state agency housing authority and the tribal housing authority wish to consolidate into the tribal housing authority; and the tribal housing authority wishes to take over the state agency housing authority programs and assume all liability and assets of the state agency, Muscogee (Creek) Nation Housing Authority.

B. The Muscogee (Creek) Nation is hereby empowered to undertake, manage and control the programs of the state agency, Muscogee (Creek) Nation Housing Authority, and to assume the

liabilities of the state agency housing authority and receive the assets of the state agency housing authority.

The governing counsel of the Muscogee (Creek) Nation may exercise the power herein provided by adopting an ordinance or resolution to undertake, manage and control the state agency housing authority programs. Such resolution or ordinance must provide that the tribal housing authority is assuming both the assets and liabilities of the state housing authority and will continue to provide housing programs for members of the tribe.

Upon the filing of such a resolution or ordinance with both the Oklahoma Secretary of State's office and the county clerk's office in Okmulgee County, the management and control of the state agency, Muscogee (Creek) Nation Housing Authority, together with ownership of all the housing authority's assets and liabilities, shall transfer to the tribal Muscogee (Creek) Nation Housing Authority; and the state agency, Muscogee (Creek) Nation Housing Authority, shall cease to exist. No further action on the state's part is necessary to transfer title of all state agency housing authority real property to the tribal housing authority. The filing of a copy of this statute, a certified copy of the tribal resolution or ordinance and legal description of the land(s) shall transfer title.

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.

Passed the Senate the 14th day of February, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2006.

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Presiding Officer of the House
of Representatives