

3 Senate Bill No. 1706

4 SENATE BILL NO. 1706- By: SHURDEN of the Senate and MILLER (Ray) of  
5 the House.

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

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

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

16 A. The Oklahoma Legislature hereby finds that, under the  
17 authority of Section 1057 of Title 63 of the Oklahoma Statutes a  
18 state agency, Muscogee (Creek) Nation Housing Authority, has been  
19 operating a housing authority program in the operating area of the  
20 Muscogee (Creek) Nation for the benefit of its members. The state  
21 agency housing authority has been funded exclusively with federal  
22 funds provided for the purpose of providing housing for members of  
23 the Muscogee (Creek) Nation. The state agency housing authority has  
24 at all times been managed by tribal members appointed by the tribe's  
25 governing head. At the time the state agency housing authority  
26 began operating, the Muscogee (Creek) Nation was not eligible to  
27 receive federal funding for housing authority purposes. The

1 Muscogee (Creek) Nation is now eligible to receive federal housing  
2 authority funds, has received such funds for several years, and has  
3 created a tribal housing authority for the purpose of providing  
4 housing to its tribal members. Federal monies are no longer  
5 provided to the state agency, Muscogee (Creek) Nation Housing  
6 Authority. Both the state agency housing authority and the tribal  
7 housing authority wish to consolidate into the tribal housing  
8 authority; and the tribal housing authority wishes to take over the  
9 state agency housing authority programs and assume all liability and  
10 assets of the state agency, Muscogee (Creek) Nation Housing  
11 Authority.

12 B. The Muscogee (Creek) Nation is hereby empowered to  
13 undertake, manage and control the programs of the state agency,  
14 Muscogee (Creek) Nation Housing Authority, and to assume the  
15 liabilities of the state agency housing authority and receive the  
16 assets of the state agency housing authority.

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-7-06 - DO PASS,  
18 As Coauthored.