

1 ENGROSSED SENATE
2 BILL NO. 1546

By: Ballenger and Bingman of
the Senate

3 and

4 McPeak of the House
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7 An Act relating to the Muscogee (Creek) Nation
8 Housing Authority; amending Section 1, Chapter 119,
9 O.S.L. 2006, which relates to authorization for the
10 Muscogee (Creek) Nation to assume management and
11 control of the state agency, Muscogee (Creek) Nation
12 Housing Authority; adding adoption of certain
13 cooperation and payment in lieu of tax agreements as
14 requirement; amending 63 O.S. 2001, Section 1058,
15 which relates to the Oklahoma Housing Authorities
16 Act; modifying authority to set per diem and mileage
17 reimbursement amounts for certain housing
18 authorities; and declaring an emergency.

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

20 SECTION 1. AMENDATORY Section 1, Chapter 119, O.S.L.
21 2006, is amended to read as follows:

22 Section 1. A. The Oklahoma Legislature hereby finds that,
23 under the authority of Section 1057 of Title 63 of the Oklahoma
24 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

1 members of the Muscogee (Creek) Nation. The state agency housing
2 authority has at all times been managed by tribal members appointed
3 by the tribe's governing head. At the time the state agency housing
4 authority began operating, the Muscogee (Creek) Nation was not
5 eligible to receive federal funding for housing authority purposes.
6 The Muscogee (Creek) Nation is now eligible to receive federal
7 housing authority funds, has received such funds for several years,
8 and has created a tribal housing authority for the purpose of
9 providing housing to its tribal members. Federal monies are no
10 longer provided to the state agency, Muscogee (Creek) Nation Housing
11 Authority. Both the state agency housing authority and the tribal
12 housing authority wish to consolidate into the tribal housing
13 authority; and the tribal housing authority wishes to take over the
14 state agency housing authority programs and assume all liability and
15 assets of the state agency, Muscogee (Creek) Nation Housing
16 Authority, including liabilities set forth in local cooperation
17 agreements and payment in lieu of tax agreements that were in place
18 as of June 1, 2006, with cities, counties, or other political
19 subdivisions.

20 B. The Muscogee (Creek) Nation is hereby empowered to
21 undertake, manage and control the programs of the state agency,
22 Muscogee (Creek) Nation Housing Authority and to enter into local
23 cooperation agreements and payment in lieu of tax agreements which
24 are similar in scope and content to those that were previously

1 executed by the state agency housing authority, and to assume the
2 liabilities of the state agency housing authority and receive the
3 assets of the state agency housing authority.

4 The governing counsel of the Muscogee (Creek) Nation may
5 exercise the power herein provided by adopting an ordinance or
6 resolution to undertake, manage and control the state agency housing
7 authority programs. Such resolution or ordinance must provide that
8 the tribal housing authority is assuming both the assets and
9 liabilities of the state housing authority, is entering into local
10 cooperation agreements and payment in lieu of tax agreements that
11 are similar in scope and content to those that were previously
12 executed by the state agency housing authority, and will continue to
13 provide housing programs for members of the tribe.

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

3 SECTION 2. AMENDATORY 63 O.S. 2001, Section 1058, is
4 amended to read as follows:

5 Section 1058. A. When a housing authority is authorized to
6 transact business and exercise powers hereunder, five (5) persons
7 shall be appointed as commissioners of the authority as follows:

8 1. In the case of a city, by the mayor with the advice and
9 consent of the governing body; or

10 2. In the case of a county, by the board of county
11 commissioners, and at least one of the persons so appointed shall be
12 a tenant in a housing project under the jurisdiction of such
13 authority. The term of office of each commissioner shall be for
14 three (3) years, except that of the commissioners first appointed
15 one shall serve for a term of one (1) year and two shall serve for
16 terms of two (2) years. All vacancies shall be filled for the
17 unexpired term. Each commissioner shall qualify by taking the
18 official oath of office prescribed by statute or ordinance for
19 elected officials of the county or city, as the case may be.

20 B. A commissioner shall receive no compensation for his
21 services, but may be entitled to the necessary expenses, including
22 traveling expenses, incurred in the discharge of his duties or,
23 except as otherwise provided in this subsection, receive a per diem
24 payment of not to exceed Thirty-five Dollars (\$35.00) plus mileage

1 as provided by the State Travel Reimbursement Act, Section 500.1 et
2 seq. of Title 74, for expenses incurred in attending meetings of the
3 housing authority. An Indian housing authority or the tribal
4 government the authority serves may elect to set a different
5 monetary amount for per diem and mileage payments than specified in
6 this subsection for the commissioners of that Indian housing
7 authority. Each commissioner shall hold office until his successor
8 has been appointed and qualified. A certificate of appointment or
9 reappointment of any commissioner shall be filed with the authority
10 and this certificate shall be conclusive evidence of the due and
11 proper appointment of the commissioner.

12 C. The powers of each authority shall be vested in the
13 commissioners thereof in office from time to time. A majority of
14 the commissioners of an authority shall constitute a quorum for the
15 purpose of conducting its business and exercising its powers and for
16 all other purposes, notwithstanding the existence of any vacancies.
17 Action may be taken by the authority upon a vote of a majority of
18 the commissioners present, unless in any case the bylaws of the
19 authority shall require a larger number. Meetings of the
20 commissioners of an authority may be held anywhere within the area
21 of operation of the authority or within any additional area in which
22 the authority is authorized to undertake a project. Such meetings
23 shall be held pursuant to the provisions of the Open Meeting Act,
24 Section 301 et seq. of Title 25 of the Oklahoma Statutes.

1 D. The commissioners of an authority shall elect a chairman and
2 vice chairman from among the commissioners. An authority may employ
3 an executive director, legal and technical experts and such other
4 officers, agents and employees, permanent and temporary, as it may
5 require, and shall determine their qualifications, duties and
6 compensation. An authority may delegate to one or more of its
7 agents or employees such powers or duties as it may deem proper.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 Passed the Senate the 26th day of February, 2008.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the ____ day of _____,
17 2008.

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Presiding Officer of the House
of Representatives

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