

**THE HOUSE OF REPRESENTATIVES**  
**Monday, April 7, 2008**

**ENGROSSED**

**Senate Bill No. 1546**

ENGROSSED SENATE BILL NO. 1546 - By: BALLENGER AND BINGMAN of the Senate and MCPEAK AND PITTMAN of the House.

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

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

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

3       Section 1.  A.  The Oklahoma Legislature hereby finds that, under the authority of  
4 Section 1057 of Title 63 of the Oklahoma Statutes a state agency, Muscogee (Creek)  
5 Nation Housing Authority, has been operating a housing authority program in the  
6 operating area of the Muscogee (Creek) Nation for the benefit of its members.  The state  
7 agency housing authority has been funded exclusively with federal funds provided for the  
8 purpose of providing housing for members of the Muscogee (Creek) Nation.  The state  
9 agency housing authority has at all times been managed by tribal members appointed by

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

14 B. The Muscogee (Creek) Nation is hereby empowered to undertake, manage and  
15 control the programs of the state agency, Muscogee (Creek) Nation Housing Authority  
16 and to enter into local cooperation agreements and payment in lieu of tax agreements  
17 which are similar in scope and content to those that were previously executed by the  
18 state agency housing authority, and to assume the liabilities of the state agency housing  
19 authority and receive the assets of the state agency housing authority.

20 The governing counsel of the Muscogee (Creek) Nation may exercise the power  
21 herein provided by adopting an ordinance or resolution to undertake, manage and control  
22 the state agency housing authority programs. Such resolution or ordinance must provide

1 that the tribal housing authority is assuming both the assets and liabilities of the state  
2 housing authority, is entering into local cooperation agreements and payment in lieu of  
3 tax agreements that are similar in scope and content to those that were previously  
4 executed by the state agency housing authority, and will continue to provide housing  
5 programs for members of the tribe.

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

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

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

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

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

9           B. A commissioner shall receive no compensation for his services, but may be  
10 entitled to the necessary expenses, including traveling expenses, incurred in the  
11 discharge of his duties or, except as otherwise provided in this subsection, receive a per  
12 diem payment of not to exceed Thirty-five Dollars (\$35.00) plus mileage as provided by  
13 the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74, for expenses  
14 incurred in attending meetings of the housing authority. An Indian housing authority or  
15 the tribal government the authority serves may elect to set a different monetary amount  
16 for per diem and mileage payments than specified in this subsection for the  
17 commissioners of that Indian housing authority. Each commissioner shall hold office  
18 until his successor has been appointed and qualified. A certificate of appointment or  
19 reappointment of any commissioner shall be filed with the authority and this certificate  
20 shall be conclusive evidence of the due and proper appointment of the commissioner.

21           C. The powers of each authority shall be vested in the commissioners thereof in  
22 office from time to time. A majority of the commissioners of an authority shall constitute

1 a quorum for the purpose of conducting its business and exercising its powers and for all  
2 other purposes, notwithstanding the existence of any vacancies. Action may be taken by  
3 the authority upon a vote of a majority of the commissioners present, unless in any case  
4 the bylaws of the authority shall require a larger number. Meetings of the  
5 commissioners of an authority may be held anywhere within the area of operation of the  
6 authority or within any additional area in which the authority is authorized to undertake  
7 a project. Such meetings shall be held pursuant to the provisions of the Open Meeting  
8 Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

9 D. The commissioners of an authority shall elect a chairman and vice chairman  
10 from among the commissioners. An authority may employ an executive director, legal  
11 and technical experts and such other officers, agents and employees, permanent and  
12 temporary, as it may require, and shall determine their qualifications, duties and  
13 compensation. An authority may delegate to one or more of its agents or employees such  
14 powers or duties as it may deem proper.

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

18 COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 04-03-08 -  
19 DO PASS, As Coauthored.