

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3366

By: McNiel

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5
6 AS INTRODUCED

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; and declaring an emergency.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 119, O.S.L.

2006, is amended to read as follows:

17 Section 1. A. The Oklahoma Legislature hereby finds that,
18 under the authority of Section 1057 of Title 63 of the Oklahoma
19 Statutes a state agency, Muscogee (Creek) Nation Housing Authority,
20 has been operating a housing authority program in the operating area
21 of the Muscogee (Creek) Nation for the benefit of its members. The
22 state agency housing authority has been funded exclusively with
23 federal funds provided for the purpose of providing housing for
24 members of the Muscogee (Creek) Nation. The state agency housing

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

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

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

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

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

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

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6 51-2-9166 MAH 12/26/07

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