

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2717
Page _____ Section _____ Lines _____
Of the printed Bill
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Jerry McPeak

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2717

By: McPeak

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to Indian housing authorities;
9 amending 63 O.S. 2001, Section 1057, which relates to
10 creation of Indian housing authorities; making
11 legislative findings; authorizing any federally
12 recognized Indian tribe, band or nation in the state
13 to assume management and control of the state housing
14 authority; allowing for the transfer of assets upon
15 certain conditions; providing for continuation of tax
16 exemption upon payment of required in lieu of
17 payments; requiring the passage of certain
18 resolutions or ordinances in order to transfer
19 management and control; requiring the filing of
20 certain documents to transfer management and control;
21 specifying required documents; providing for
22 exemption from certain taxes upon payment of certain
23 in lieu of payments; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1057, is
amended to read as follows:

Section 1057. A. There is hereby created, with respect to each
Indian tribe, band, or nation in the state, a public body corporate
and politic, to function in the operating area of such Indian tribe,

1 band, or nation to be known as the "housing authority" of said
2 Indian tribe, band, or nation, which shall be an agency of the State
3 of Oklahoma, possessing all powers, rights, and functions herein
4 specified for city and county authorities created pursuant to this
5 act: Provided that said Indian housing authority shall not transact
6 any business nor exercise its powers hereunder until or unless the
7 governing council of said tribe, band, or nation, as the case may
8 be, by proper resolution, declares that there is a need for an
9 authority to function for said tribe, band, or nation.

10 B. Except as otherwise provided in this act, all the provisions
11 of law applicable to housing authorities created for cities and
12 counties and the commissioners of such authorities shall be
13 applicable to Indian housing authorities and the commissioners
14 thereof, unless a different meaning clearly appears from the
15 context. The Chief or other governing head of an Indian tribe,
16 band, or nation is hereby authorized to exercise all appointing and
17 other powers with respect to an Indian housing authority that are
18 vested by this act in the mayor of a city relating to a City Housing
19 Authority.

20 C. The Oklahoma Legislature finds that, under the authority of
21 this provision, state agency housing authorities have been operating
22 housing programs in the area of federally recognized Indian tribes,
23 bands and nations in this state, who by proper resolution declared
24 that there was a need for a housing authority to function in said

1 tribe, band or nation's area. These state agency housing
2 authorities have been funded exclusively with federal funds provided
3 for the purpose of providing housing in the area of the tribe, band
4 or nation for whose benefit the housing authority was established.
5 These state agency housing authorities have at all times been
6 managed by tribal members appointed by the tribe's governing head,
7 and at the time the state agency housing authorities began to
8 operate for the benefit of the tribe, band or nation, the tribes,
9 bands and nations were not eligible to receive federal funding for
10 housing purposes. Federally recognized Indian tribes are now
11 eligible to receive federal funding for housing purposes and many
12 have received such funds, and many have created tribal housing
13 authorities for the purpose of providing housing for their tribal
14 members. In the exercise of their sovereign powers, some tribes,
15 bands and nations desire to undertake the control and management of
16 the state agency housing authorities created for their benefit and
17 to assume all its assets and liabilities, while other tribes, bands
18 or nations wish to consolidate the state agency housing authority
19 created for their benefit into tribal housing programs which now
20 exist. In the interest of the sovereign power of federally
21 recognized Indian tribes, economy of efforts, and the maintenance of
22 cooperative relationships between the state and federally recognized
23 Indian tribes, and in light of the above findings, the state hereby
24 authorizes any federally recognized Indian tribe, band or nation for

1 whose benefit a state agency housing authority was created, to
2 assume management and control of the state agency housing authority
3 and all its assets, as provided herein.

4 D. Any federally recognized Indian tribe, band or nation for
5 whose benefit a state agency housing authority has been created is
6 hereby empowered to undertake the management and control of the
7 program of the state agency upon:

8 1. The assumption of all present and future liabilities of the
9 state agency housing authority;

10 2. The acceptance of all assets of the state agency housing
11 authority;

12 3. Upon agreeing to continue to operate a housing authority;
13 and

14 4. Upon entering into local cooperative agreements for payments
15 in lieu of taxes in an amount not less than seventy-five percent
16 (75%) of the annual taxes that would be due on such property.

17 E. The governing body of any federally recognized Indian tribe,
18 band or nation may exercise the power to undertake management and
19 control of the state agency housing authority created for its
20 benefit by adopting an ordinance or resolution to undertake the
21 management and control of the state agency housing authority
22 program. The resolution or ordinance shall provide that the tribe,
23 band or nation will assume both all the assets and all the
24 liabilities of the state agency housing authority and agrees to

1 continue to operate the housing authority program for the benefit of
2 its members, and will enter into local cooperative agreements with
3 payments in lieu of taxes in the required amount, in accordance with
4 the provisions of Section 1066 of Title 63 of the Oklahoma Statutes.

5 F. Upon the filing of a resolution or ordinance as provided for
6 in subsection E of this section with the office of the Secretary of
7 State, the Oklahoma Attorney General, and the office of the county
8 clerk in the county in which any land being transferred is located,
9 the management and control of the state agency housing authority
10 created for the tribe, band or nation, together with the ownership
11 of all housing authority assets and liabilities shall transfer to
12 the tribe, band or nation, and the state agency housing authority
13 for that tribe, band or nation shall cease to exist. No further
14 action on the state's part is necessary to transfer title of all
15 state agency housing authority real property to the tribe, band or
16 nation. The filing of a copy of this statute, a certified copy of
17 the required resolution or ordinance and the legal description of
18 the land(s) shall transfer title. The land so transferred, until
19 such time they are transferred to the ownership of individual tribal
20 members, is declared to be used for charitable purposes and to be
21 public property used for essential public and governmental purposes
22 and the property shall be exempt from ad valorem taxes, as long as
23 the tribe, band or nation continues to make the required in lieu of
24 payments provided for in this section.

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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