

1 ENGROSSED HOUSE
2 BILL NO. 2717

By: McPeak and Hoskin of the
House

3 and

4 Ballenger of the Senate

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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.

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

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

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

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

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

21 C. The Oklahoma Legislature finds that, under the authority of
22 this section, state agency Indian housing authorities may be
23 operated in the area of federally recognized Indian tribes, bands
24 and nations in this state, upon proper resolution declaring that

1 there is a need for a housing authority to function in the operating
2 area of the tribe, band or nation. State agency Indian housing
3 authorities are funded exclusively with federal funds designated for
4 the purpose of providing housing in the area of the tribe, band or
5 nation for whose benefit the housing authority was established. The
6 state agency Indian housing authorities are managed by tribal
7 members appointed by the governing head of the tribe. At the time
8 that state agency Indian housing authorities were authorized to
9 operate for the benefit of the tribe, band or nation, the tribes,
10 bands and nations were not eligible to receive federal funding for
11 housing purposes. Federally recognized Indian tribes, bands and
12 nations are now eligible to receive federal funding for housing
13 purposes and many have received federal funds, and many have created
14 tribal housing authorities for the purpose of providing housing for
15 their tribal members. In the exercise of their sovereign powers,
16 some tribes, bands and nations desire or may in the future desire to
17 undertake the control and management of the state agency Indian
18 housing authorities created for their benefit and to assume all the
19 assets and liabilities, while other tribes, bands or nations may
20 wish to consolidate the state agency Indian housing authority
21 created or which may be created for their benefit into tribal
22 housing programs. In the interest of the sovereign power of
23 federally recognized Indian tribes, economy of efforts, and the
24 maintenance of cooperative relationships between the state and

1 federally recognized Indian tribes, and in light of the above
2 findings, the state hereby authorizes any federally recognized
3 Indian tribe, band or nation for whose benefit a state agency
4 housing authority was or may be created, to assume management and
5 control of the state agency Indian housing authority and all its
6 assets, as provided in this section.

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

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

13 2. The acceptance of all assets of the state agency housing
14 authority;

15 3. Upon agreeing to continue to operate a housing authority or
16 program; and

17 4. Upon entering into local cooperative agreements for payments
18 in lieu of taxes in an amount that is not more than the amount
19 authorized under the Native American Housing Assistance and Self-
20 Determination Act and rules implementing the act.

21 E. The governing body of any federally recognized Indian tribe,
22 band or nation may exercise the power to undertake management and
23 control of the state agency Indian housing authority created for its
24 benefit by adopting an ordinance or resolution to undertake

1 management and control. The resolution or ordinance shall provide
2 that the tribe, band or nation will assume all the assets and all
3 the liabilities of the state agency Indian housing authority and
4 agrees to continue to operate the housing program for the benefit of
5 its members, and will enter into local cooperative agreements with
6 payments in lieu of taxes as required in paragraph 4 of subsection D
7 of this section and in accordance with Section 1066 of this title.

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

1 governmental purposes. The property shall be exempt from ad valorem
2 taxes, as long as the tribe, band or nation continues to make the in
3 lieu of tax payments as required in this section.

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

8 Passed the House of Representatives the 8th day of March, 2010.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2010.

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Presiding Officer of the Senate

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