An Act

ENROLLED HOUSE
BILL NO. 2717

By: McPeak, Hoskin and Kirby of the House

and

Ballenger, Bingman, Garrison, Easley and Paddack of the Senate

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

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~~ each Indian tribe, band, or nation to be known as the "housing authority" of ~~said~~ the Indian tribe, band, or nation~~, which~~. The Indian housing authority shall be an agency of the State of Oklahoma, possessing all powers, rights, and functions herein specified for city and

county authorities created pursuant to this act~~: Provided that said~~. The Indian housing authority shall not transact any business nor exercise its powers hereunder until or unless the governing council of ~~said~~ the tribe, band, or nation, as the case may be, by proper resolution, declares that there is a need for ~~an~~ a housing authority to function for ~~said~~ the tribe, band, or nation.

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

C. The Oklahoma Legislature finds that, under the authority of this section, state agency Indian housing authorities may be operated in the area of federally recognized Indian tribes, bands and nations in this state, upon proper resolution declaring that there is a need for a housing authority to function in the operating area of the tribe, band or nation. State agency Indian housing authorities are funded exclusively with federal funds designated for the purpose of providing housing in the area of the tribe, band or nation for whose benefit the housing authority was established. The state agency Indian housing authorities are managed by tribal members appointed by the governing head of the tribe. At the time that state agency Indian housing authorities were authorized to operate for the benefit of the tribe, band or nation, the tribes, bands and nations were not eligible to receive federal funding for housing purposes. Federally recognized Indian tribes, bands and nations are now eligible to receive federal funding for housing purposes and many have received federal funds, and many have created tribal housing authorities for the purpose of providing housing for their tribal members. In the exercise of their sovereign powers, some tribes, bands and nations desire or may in the future desire to undertake the control and management of the state agency Indian housing authorities created for their benefit and to assume all the assets and liabilities, while other tribes, bands or nations may wish to consolidate the state agency Indian housing authority created or which may be created for their benefit into tribal housing programs. In the interest of the sovereign power of federally recognized Indian tribes, economy of efforts, and the

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

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

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

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

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

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

E. The governing body of any federally recognized Indian tribe, band or nation may exercise the power to undertake management and control of the state agency Indian housing authority created for its benefit by adopting an ordinance or resolution to undertake management and control. The resolution or ordinance shall provide that the tribe, band or nation will assume all the assets and all the liabilities of the state agency Indian housing authority and agrees to continue to operate the housing program for the benefit of its members, and will enter into local cooperative agreements with payments in lieu of taxes as required in paragraph 4 of subsection D of this section and in accordance with Section 1066 of this title.

F. Upon the filing of a resolution or ordinance as provided for in subsection E of this section with the office of the Secretary of State, the Oklahoma Attorney General, and the office of the county clerk in the county in which any land being transferred is located, the management and control of the state agency Indian housing authority created for the tribe, band or nation, together with the

ownership of all housing authority assets and liabilities shall transfer to the tribe, band or nation, and the state agency Indian housing authority for that tribe, band or nation shall cease to exist. No further action on the state's part is necessary to transfer title of all state agency Indian housing authority real property to the tribe, band or nation. The filing of a copy of this statute, a certified copy of the required resolution or ordinance and the legal description of the land(s) shall transfer title. The land so transferred, until transferred to the ownership of individual tribal members, is declared to be used for charitable purposes and to be public property used for essential public and governmental purposes. The property shall be exempt from ad valorem taxes, as long as the tribe, band or nation continues to make the in lieu of tax payments as required in this section.

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

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

Presiding Officer of the House of Representatives

Passed the Senate the 20th day of April, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 21st **day of** April, **20**10, **at** 3:06 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 26th **day of** April, **20**10, **at** 3:39 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 27th **day of** April, **20**10, **at** 3:02 **o'clock** P **M.**

By: