



NCA 20-047

CLASSIFICATION: #28. LANDS AND MINERALS

A LAW OF THE MUSCOGEE (CREEK) NATION CREATING A NEW CHAPTER 10 IN MCNCA TITLE 28 ENTITLED "ACQUISITION OF PROPERTY"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. NEW LAW. The following new Law is hereby enacted:

Section 1-101. Findings. The National Council finds that:

A. It is in the best interest of the Nation to create a law establishing guidelines on the acquisition of property for the Nation and its entities.

B. The process will enable all the Nation's departments involved in the purchase of property to operate in a more efficient manner.

C. Guidelines will allow the Nation's departments to use their skills and expertise to ensure that the Nation acquires good and clear title to all purchased properties.

SECTION TWO. NEW LAW. The following new law shall be codified in Title 28, Chapter 10 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts for the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated in this law in order to be consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws; and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following new law:

TITLE 28. LANDS AND MINERALS

CHAPTER 10. ACQUISITION OF PROPERTY

§ 10-101. Declaration of Policy

The purpose of this policy is to establish a Property Acquisition guideline and program for the Muscogee (Creek) Nation under the Department of Interior Affairs.

§ 10-102. Muscogee (Creek) Nation Property Acquisition Program

A. A Property Acquisition Program under the Muscogee (Creek) Nation Realty Trust Services Office (“RTS”) will enable the Nation to be more efficient and cost effective with respect to Nation’s purchase of properties that are needed to expand the Nation’s land base and for the increasing services the Nation provides its citizens.

B. A need for additional property use shall be identified by the Principal Chief, Legislative Branch and department/business or other organization (community, ceremonial ground, etc.) and presented to the Muscogee (Creek) Nation Department of Interior Affairs (“DOI”).

1. The DOI in conjunction with the RTS will review existing tribal properties (either fee, restricted or trust) that can be utilized.
2. If no suitable existing tribal property is available, potential property(ies) for acquisition will be identified in conjunction with the DOI and the RTS.

§ 10-103. Property Acquisition Feasibility Review Process

A. The interested department, entity or branch, in conjunction with DOI, shall complete a Property Acquisition Feasibility Review (“PAFR”) request form created by the Property Acquisition Program. The following pertinent information must be included with the PAFR request:

1. Property information and site description
 - a) Maps of the property and adjacent area (street location, aerials, topographic, assessor plats, etc.).
 - b) Information available from the realtor (property description, legal description, asking price, current use of property, intended use, current tax information, etc.); and
2. Purpose and suitability of the property for the proposed use.
 - a) Business case documents, if available.
 - b) Funding sources (tribal, grants, etc.).

B. Upon the completion of the PAFR, it shall be submitted to:

1. the Principal Chief for review if the request came from the Executive Branch; or
2. the National Council Representative and/or the Speaker of the National Council if the request came from the Legislative Branch.

C. If a PAFR is determined to be unsuitable, the process terminates and the request is returned to DOI.

D. If a PAFR is determined to be suitable, the process continues and the request is forwarded to the DOI to coordinate with RTS for viability screening.

1. Property that is restricted or held in Trust by the United States will be routed to RTS for processing in accordance with federal regulations.

§ 10-104. Viability Screening

A. The RTS viability screening shall include the following actions:

1. 30-year title search;
2. Preliminary Environmental conducted (walk through for visible issues);
3. Appraisal cost estimate; and
4. RTS shall compile a Findings Report and submit to the requesting area.

B. The Office of the Principal Chief shall review the information presented by RTS for all the Executive Branch requests to determine viability of purchase. The National Council Representative and/or the Speaker shall review the information presented by RTS for the Legislative Branch requests to determine viability of purchase.

1. If a purchase is determined to not be viable, the process terminates and the request is returned to DOI.
 - a) RTS shall notify seller by letter that the tribe is not interested in purchasing.
2. If a purchase is determined to be viable, the process continues and the request is forwarded to the DOI for Acquisition Process on fee property transactions. All restricted property and property held in Trust by the United States transactions will be processed by RTS in accordance with federal regulations.
3. DOI shall inform RTS of the intent to purchase subject property for further processing.
4. RTS shall initiate the appropriate actions:
 - a) Order of an Appraisal;
 - b) Order of a survey; and
 - c) Phase 1 Environmental Site Assessment conducted by Environmental Services or RTS.

5. RTS shall forward all information to the DOI for continuation of Acquisition Process on fee property transactions.

§ 10-105. Purchasing Contracts and Closing Documents

A. The Office of the Attorney General shall draft, prepare and review all purchasing Real Estate contracts.

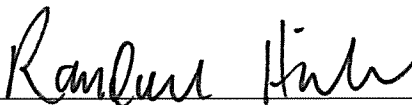
B. The Office of the Attorney General shall review all documents related to the property purchase and may include the following:

1. Assistance with negotiations with the seller, if necessary;
2. Draft and submit necessary legislation;
3. Assist with clearing title; and
4. Draft and/or review Closing Documents and attend Closing, if necessary.

SECTION THREE. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this 23rd day of July, 2020.

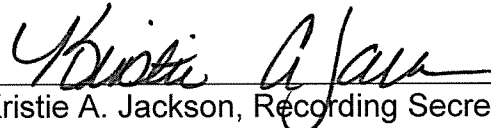
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Randall Hicks, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

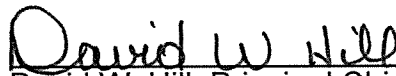
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the **23rd** day of **July, 2020** and that the above is in conformity with the provisions therein adopted by a vote of **15** in favor, **0** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kristie A. Jackson, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **29th** day of **July**, **2020** to the above Law, **NCA 20-047** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



David W. Hill, Principal Chief
Muscogee (Creek) Nation

