



## NCA 23-070

**CLASSIFICATION: #16. EXECUTIVE BRANCH**

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 16, CHAPTER 8 ENTITLED, "OFFICE OF THE SECRETARY OF THE NATION AND COMMERCE" AND CREATING A NEW CHAPTER 11 ENTITLED, "SECRETARY OF COMMERCE"**

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

**SECTION ONE. AMENDMENT.** This amendment shall be codified in Title 16, Chapter 8 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification said amendment and its inclusion in pocket parts of 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 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 amendment, without further National Council approval:

**SECTION TWO. AMENDMENT.** MCNCA Title 16, Chapter 8 is hereby amended to read as follows:

### TITLE 16. EXECUTIVE BRANCH

#### CHAPTER 8. OFFICE OF THE SECRETARY OF THE NATION AND COMMERCE

##### § 8-101. Office of the Secretary of the Nation and Commerce

A. There is hereby established the Office of the Secretary of the Nation and Commerce within the governmental structure of the Muscogee (Creek) Nation Department of Commerce, the head of which shall be the Secretary of the Nation and Commerce, appointed by the Principal Chief, confirmed by the National Council for the term of his/her appointment and removable in accordance with law.

B. The Secretary of the Nation and Commerce shall be a cabinet-level position and an appointed office of the Muscogee (Creek) Nation. The Secretary of the Nation and Commerce shall be required to take an oath to uphold the Constitution of the Muscogee (Creek) Nation.

§ 8-102. Qualifications

A. Qualifications. The position of the Secretary of the Nation and Commerce shall have the following minimum qualifications:

1. Individual must possess a bachelor's degree with experience in the duties and responsibilities required by this position;
2. Individual shall have no previous felony convictions and must be in good standing with all accredited institutions associated with his/her field of study or profession.

§ 8-103. Duties and responsibilities

A. The Office of the Secretary of the Nation and Commerce shall be the office of primary responsibility for all entities and person(s) seeking to do business with the Muscogee (Creek) Nation. The Secretary of the Nation and Commerce shall coordinate all activities associated with Titles 3 and 3A-Corporations and Partnerships of the Muscogee (Creek) Nation Code Annotated, including but not limited to, the Partnership Act, Limited Partnership Act, General Corporation Act and Limited Liability Act. The Secretary of the Nation and Commerce shall also coordinate all activities associated with Title 33 Uniform Commercial Code.

B. The Secretary of the Nation and Commerce shall monitor the storage and use of the Great Seal of the Muscogee (Creek) Nation.

C. The Secretary of the Nation and Commerce shall perform protocol functions for the Office of the Principal Chief and shall conduct negotiations with outside entities on behalf of the Muscogee (Creek) Nation when needed.

D. The Secretary of the Nation and Commerce shall serve as the principal advisor to the Principal Chief and shall be responsible for the overall direction, coordination and supervision of the Executive Office's social and economic policy.

~~E. The Office of the Secretary of the Nation and Commerce shall be the lead governmental agency responsible for the attraction and encouragement of commerce with businesses in and outside the Muscogee (Creek) Nation.~~

~~F. The Mvskoke Loan Fund Community Development and Financial Institution Program shall be established under the Office of the Secretary of the Nation and Commerce and operate pursuant to MCNCA Title 17, Chapter 9.~~

~~GE.~~ The Secretary of the Nation and Commerce shall have direct oversight of the Office of Self-Governance, **Planning, Grants, Contract Employment and Support Office, and the Tribal Utility Authority.**

~~HF.~~ The Secretary of the Nation and Commerce shall perform additional duties not clearly delineated in this section as determined by the Principal Chief of the Muscogee (Creek) Nation.

**SECTION THREE. NEW LAW.** The following new law shall be codified in Title 16, Chapter 11 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 of 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 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 not in said pocket parts any editorial correction of minor clerical or grammatical errors in the following new law, without further National Council approval:

**TITLE 16. EXECUTIVE BRANCH**  
**CHAPTER 11. SECRETARY OF COMMERCE**

**§ 11-101. Secretary of Commerce**

There is hereby established the Office of the Secretary of Commerce within the governmental structure of the Muscogee (Creek) Nation Department of Commerce, the head of which shall be the Secretary of Commerce, appointed by the Principal Chief, confirmed by the National Council for the term of his/her appointment and removable in accordance with law.

B. The Secretary of Commerce shall be a cabinet-level position and an appointed office of the Muscogee (Creek) Nation. The Secretary of Commerce shall be required to take an oath to uphold the Constitution of the Muscogee (Creek) Nation.

**§ 11-102. Qualifications**

A. Qualifications. The position of the Secretary of Commerce shall have the following minimum qualifications:

1. Individual must possess a bachelor's degree with experience in the duties and responsibilities required by this position;
2. Individual shall have no previous felony convictions and must be in good standing with all accredited institutions associated with his/her field of study or profession.

**§ 11-103. Duties and responsibilities**

A. The Secretary of Commerce shall foster, promote, and develop the foreign and domestic commerce of the Muscogee Nation; and to foster, serve, and promote the Nation's economic development and technological advancement.

B. The Secretary of Commerce shall perform protocol functions for the Office of the Principal Chief and shall conduct negotiations with outside entities on behalf of the Muscogee (Creek) Nation when needed.

C. The Secretary of Commerce shall serve as the principal advisor to the Principal Chief and shall be responsible for the overall direction, coordination and supervision of the Executive Office's marketing policy.

D. The Office of the Secretary of Commerce shall be the lead governmental agency responsible for the attraction and encouragement of commerce with businesses in and outside the Muscogee (Creek) Nation.

E. The Mvskoke Loan Fund Community Development and Financial Institution Program shall be established under the Office of the Secretary of Commerce and operate pursuant to MCNCA Title 17, Chapter 9.

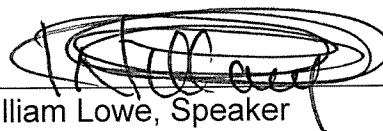
F. The Secretary of Commerce shall have direct oversight of the Mvskoke Loan Fund, Marketing and Tourism, Recreation, and Fountainhead.

G. The Secretary of Commerce shall perform additional duties not clearly delineated in this section as determined by the Principal Chief of the Muscogee (Creek) Nation.

**SECTION FOUR. 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 29<sup>th</sup> day of July, 2023.

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



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William Lowe, 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 **Fifteen** members attending this meeting on the **29<sup>th</sup>** day of **July, 2023** and that the above is in conformity with the provisions therein adopted by a vote of **11** in favor, **3** 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.

*Alicia Stroble*

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Alicia Stroble, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 1<sup>st</sup> day of August, **2023** to the above Law, **NCA 23-070** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

*David W. Hill*

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

