



NCA 16-023

CLASSIFICATION: #37. TRIBAL GOVERNMENT

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 37, § 3-512, ENTITLED "Employee Protection Commission"

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

SECTION ONE. FINDINGS. The National Council finds that:

A. MCNCA Title 37, § 3-512, requires the Employee Protection Commission ("EPC") to consist of three members; one to be designated by the Principal Chief, one to be designated by the Speaker of the National Council, and one to be designated by the justices of the Supreme Court.

B. Article VII, Section 1 of the Constitution of the Muscogee (Creek) Nation and MCNCA Title 27, § 1-101.C., require the Supreme Court to exercise appellate jurisdiction over appeals resulting from District Court review of EPC decisions.

C. As enacted by NCA 12-033, under the current Judicial Code of Ethics at § 4-102.A., and §4-103.E.1.B., the Supreme Court would necessarily be disqualified from hearing appeals in which a Supreme Court designee participated in the underlying EPC decision.

D. To maintain public confidence in the impartiality of the Nation's judiciary, to prevent the perception of a conflict of interest and to fully preserve the Supreme Court's appellate function, MCNCA Title 37, § 3-512, must be amended.

SECTION TWO. AMENDMENT. This amendment shall be codified in Title 37, Chapter 3, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee 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 THREE. AMENDMENT. MCNCA Title 37, § 3-512, is hereby amended to read as follows:

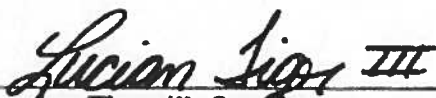
§ 3-512. Employee Protection Commission

There is hereby created an agency of the Muscogee (Creek) Nation, which shall be called the Muscogee (Creek) Nation Employee Protection Commission (hereinafter "Commission"). The Commission shall be comprised of three members; one appointed by the Principal Chief, one appointed by the National Council Speaker, and one remaining member shall be selected by the other two members. ~~There shall be three (3) positions for members of the Commission. One (1) member shall be the Principal Chief's designee; one (1) member shall be a designee of the Supreme Court, selected by the Justices of that Court; the Speaker of the National Council's designee.~~

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 9th day of February, 2016.

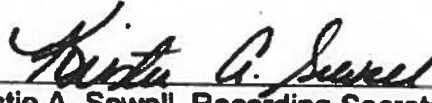
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Lucian Tiger III, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

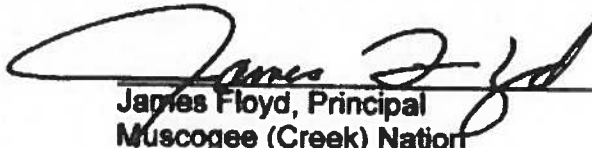
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with Sixteen members attending this meeting on the 9th day of February, 2016 and that the above is in conformity with the provisions therein adopted 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. Sewell, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 10th day of February, 2016 to the above Law, NCA 16-023 authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



James Floyd, Principal
Muscogee (Creek) Nation

