



RECONSIDERATION OF NCA 10-157

I, the undersigned, certify that the foregoing "Reconsideration of NCA 10-157" is a true extract from the September 25, 2010, Regular Session Journal of the Muscogee (Creek) National Council.


AND THAT, NCA 10-157 entitled, A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 16, §4-106. B. REQUIRING THE LIGHTHORSE CHIEF TO BE A MUSCOGEE (CREEK) CITIZEN was presented to the National Council acting as a Council as a Whole and was approved in Regular Session on September 25, 2010, National Council by a vote of 18 in favor, 4 against, 0 abstention.

AND THAT, Said legislation was returned as a Veto with objections by the Principal Chief on October 8, 2010 and said objections have been entered at large in the Journal of the Muscogee (Creek) National Council;

AND THAT, The National Council taking action reconsider the Bill to **Over-ride** the Veto at the Quarterly Session on October 30, 2010, in accordance with the Constitution, Article VI, Section 6(a), requires a (2/3) vote of the full membership, which consists of Twenty-six members;

AND THAT, The record of vote reflects there were Twenty-five present with a vote of 16 in favor, 9 against;


THEREFORE, BE IT KNOWN, under Article VI., Section 6. (a) of the Muscogee (Creek) Nation Constitution, NCA 10-157 is hereby recorded as a "VETO" on this 1st day of November, 2010.



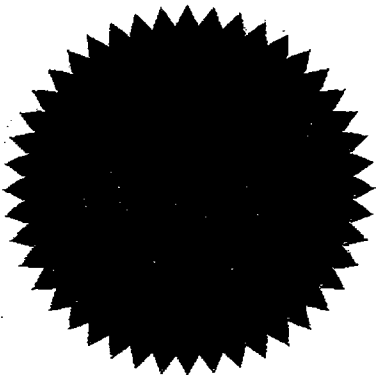
Terry A. Fish, Recording Secretary
National Council
Muscogee (Creek) Nation

CERTIFICATION OF APPROVAL

IN WITNESS WHEREOF, I, the Presiding Officer of the Muscogee (Creek) National Council have hereto attached my signature this 1st day of November 2010.



Roger Barnett, Speaker
National Council
Muscogee (Creek) Nation



VETO



NCA 10-157

CLASSIFICATION: #16. EXECUTIVE BRANCH

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 16, §4-106. B. REQUIRING THE LIGHTHORSE CHIEF TO BE A MUSCOGEE (CREEK) CITIZEN

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

SECTION ONE. AMENDMENT. This amendment shall be codified in Title 16, Chapter 4 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 2003 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, §4-106. B., is hereby amended to read as follows:


B. Qualifications. The Lighthorse Chief **shall be a Muscogee (Creek) Citizen** **and** shall have a Bachelor's degree in criminal justice or related field, plus fifteen (15) credit hours and must have ten years of experience in law enforcement or related field, with a preference for federal or tribal law enforcement experience. The ten years of experience shall ~~also~~ include at least two years of administrative experience. ~~Preference shall be given to a Creek citizen and then to members of a federally recognized Indian tribe.~~

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 **25th** day of **September** **2010.**

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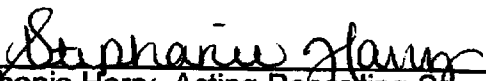
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Roger Barnett, 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 twenty-six members with **Twenty-Three** members attending this meeting on the **25th day of September 2010**, and that the above is in conformity with the provisions therein adopted by a vote of **18** in favor, **4** against, **0** abstentions, 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.



Stephanie Harry, Acting Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this _____ day of _____, 2010, to the above Law, **NCA 10-157** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

A. D. Ellis, Principal Chief
Muscogee (Creek) Nation



Muscogee (Creek) Nation

PRINCIPAL CHIEF

A.D. Ellis

SECOND CHIEF

Alfred Berryhill

OFFICE OF THE PRINCIPAL CHIEF

PO Box 580

(HWY 75, Loop 56)

Okmulgee, OK 74447

918.732.7600

October 8, 2010

Muscogee (Creek) National Council
Honorable Speaker Barnett

Dear Speaker Barnett:

I am returning NCA 10-157 herewith:

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National Council Office

A MESSAGE OF THE PRINCIPAL CHIEF RETURNING NCA 10-157 TO THE NATIONAL COUNCIL AS A VETO WITH OBJECTIONS

In accordance with the Constitution of the Muscogee (Creek) Nation, I, A.D. Ellis, Principal Chief of the Muscogee (Creek) Nation, do hereby return NCA 10-157, entitled "A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 16, § 4-106. B. REQUIRING THE LIGHTHORSE CHIEF TO BE A MUSCOGEE (CREEK) CITIZEN" as a VETO with the following objections:

OBJECTION ONE: The proposed NCA 10-157 violates the provisions of the Constitution of the Muscogee (Creek) Nation, which provides that only the Offices of Principal Chief, Second Chief and Representative in the Muscogee (Creek) National Council are restricted offices within the Muscogee (Creek) Nation, in those cases to full citizens. See Article III, Section 4; Article V, Section 1(b); and Article VI, Section 2(c) of the Constitution of the Muscogee (Creek) Nation. The Constitution does not contain any restrictions on the appointment to the office of the Lighthouse Chief.

OBJECTION TWO: The proposed NCA 10-157 is in violation of Article V, Section 1 of the Constitution of the Muscogee (Creek) Nation which vests the Executive power in the Office of the Principal Chief in that it attempts to improperly remove powers from, and limit the powers of, the Executive Branch by restricting the appointment of the Lighthouse Chief to the citizens of the Muscogee (Creek) Nation.

OBJECTION THREE: The proposed NCA 10-157 is additionally in violation of Article V, Section 2 of the Constitution of the Muscogee (Creek) Nation which provides that the Principal Chief, not the National Council, shall "create and organize the Executive Office of the Principal Chief." The proposed NCA 10-157 has been passed unilaterally by the National Council, with

no collaboration or consultation of any sort with the Principal Chief. As such, proposed NCA 10-157 is an unconstitutional infringement on the powers of the Principal Chief and the Executive Branch by the National Council.

OBJECTION FOUR: The provisions of NCA 10-157 improperly prevent the Executive Branch from acting in the best interests of the citizens of the Muscogee (Creek) Nation. The limitation to citizens is violative of the Muscogee (Creek) Nation Constitution by limiting the choices available to the Principal Chief. In any event, no restructuring of the Executive Branch is proper or constitutional without the involvement of the Principal Chief pursuant to Article V, Section 2 of the Constitution of the Muscogee (Creek) Nation.

OBJECTION FIVE: The Principal Chief believes that the amendments contained in NCA 10-157 are unnecessary and are not in the best interests of the Muscogee (Creek) Nation. They represent an unwarranted and unwise intrusion of the National Council into the inner workings of the Executive Branch and potentially limit the ability of the Principal Chief to appoint the most qualified persons to the office of Lighthorse Chief for the benefit of all of the citizens of the Muscogee (Creek) Nation.

OBJECTION SIX: The Principal Chief believes that the amendments contained in NCA 10-157 are not necessary in that the current statutes of the Muscogee (Creek) Nation adequately provide for the appointment of Lighthorse Chief with preference first for citizens of the Muscogee (Creek) Nation and then for members of other federally recognized Indian tribes. Therefore the current statutes do not require any amendments since the citizens of the Muscogee (Creek) Nation already have first preference for the office of Lighthorse Chief. Further to the extent any amendments are warranted, they must be initiated by the Principal Chief pursuant to Article V, Section 2 of the Constitution of the Muscogee (Creek) Nation.

OBJECTION SEVEN: NCA 10-157 is virtually identical to NCA 10-142 that was previously vetoed.

For the reasons outlined above, NCA 10-157 is hereby returned as a VETO.

Sincerely,



A. D. Ellis, Principal Chief
Muscogee (Creek) Nation

DATED: October 8, 2010

ADE/vb