



NCA 12-174

CLASSIFICATION: #16. EXECUTIVE BRANCH

A LAW OF THE MUSCOGEE (CREEK) NATION REPEALING CHAPTER 1 OF TITLE 16 ENTITLED "ORGANIZATION OF EXECUTIVE OFFICE OF THE PRINCIPAL CHIEF" AND REPLACING IT WITH A NEW CHAPTER 1 ENTITLED "THE ORGANIZATION FOR THE EXECUTIVE OFFICE OF THE PRINCIPAL CHIEF"

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

SECTION ONE. FINDINGS. The National Council finds that:

A. The Muscogee (Creek) Nation has experienced a period of growth and expansion of programs and departments that require an examination of its existing governmental structure within the Executive Branch.

B. During the past several years, the Reorganization Plan of 2004 has been amended numerous times by creating and amending Offices within the Executive Branch and Independent Agencies. The changes have not all been properly codified to reflect the amendments.

C. The purpose of this Act is to organize the various departments, agencies, boards, commissions, and other entities of the Executive Branch into a cabinet system in order to improve the effectiveness, efficiency, and accountability to the Citizens of the Muscogee (Creek) Nation.

D. Once this law is enacted, the provisions in the code that will need to be amended to reflect the reorganization structure have been identified and will be presented by separate legislation.

SECTION TWO. REPEALER. MCNCA Title 16, Chapter 1, Entitled "Organization of Executive Office of the Principal Chief" is hereby repealed.

SECTION THREE. NEW LAW. The following new law shall be codified in Title 16, Chapter 1 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 Codification Committee 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 16. EXECUTIVE BRANCH

CHAPTER 1. THE ORGANIZATION FOR THE EXECUTIVE OFFICE OF THE PRINCIPAL CHIEF

§1-101. Definitions

A. Appointed Officer – A person appointed by the Principal Chief with the advice and consent of the Muscogee (Creek) National Council. Appointed Officers include the following: Controller and Secretary of the Treasury, Attorney General, Chief of Staff, Lighthouse Chief, Tax Commissioner, Gaming Commissioner(s), Appointments to the Gaming Operations Authority Board, Appointments to the Trade and Commerce Board, Appointments to the Citizenship Board, Appointments to the Election Board, Appointments to the College of the Muscogee (Creek) Nation Board of Regents, Tribal Administrator, Secretary of Health, Secretary of Community and Human Services, Secretary of Education, Employment and Training, Secretary of Interior Affairs, Secretary of the Nation and Commerce, and Secretary of Housing.

B. Secretary – An appointed officer and member of the cabinet of the Principal Chief who has direct supervisory authorities over one of the following Departments: Department of the Treasury, Department of Health, Department of Community and Human Services, Department of Education and Training, Department of Interior Affairs, Department of Housing, Secretary of Nation and the Department of Commerce. The Cabinet Secretaries shall advise the Principal Chief of his or her respective Department and shall serve at the pleasure of the Principal Chief.

C. The Principal Chief, at his or her discretion, may designate other executive staff to his or her Cabinet.

§1-102. ORGANIZATION OF THE EXECUTIVE OFFICE OF THE PRINCIPAL CHIEF

A. DEPARTMENT OF THE TREASURY

Office of the Controller and Secretary of Treasury

1. Management & Budgets
2. Financing and Accounting
3. Credit and Finance
4. Community Finance

B. DEPARTMENT OF JUSTICE

Office of the Attorney General

1. Office of Child Support Enforcement
2. Muscogee (Creek) Nation Legal Services

C. DEPARTMENT OF THE ADMINISTRATION

Office of the Tribal Administrator

1. Human Resource Management and Personnel Services
2. General Services Administration
3. Information Technology
4. Comprehensive Planning

D. DEPARTMENT OF HEALTH

Office of the Secretary of Health

1. Health Centers
2. Hospital(s)
3. Clinics
4. Specialized Health Programs

E. DEPARTMENT OF COMMUNITY & HUMAN SERVICES

Office of the Secretary of Community & Human Services

1. Human Services (Social Services)
2. Office of Child Care
3. Children & Family Services
4. Family Violence Prevention
5. Community Research & Development
6. Temporary Assistance for Needy Families (TANF)
7. Senior Services
8. Food Distribution
9. Elderly Nutrition
10. Women, Infant & Children Program (WIC)

F. DEPARTMENT OF EDUCATION, EMPLOYMENT AND TRAINING

Office of the Secretary of Education and Training

1. Johnson O'Malley
2. Eufaula Dormitory
3. Employment and Training Services (Tribal Workforce)
4. Higher Education

5. Reintegration Program
6. Mvskoke Revitalization Language Program
7. Headstart
8. Library Management
9. Tribal Employment Rights Office

G. DEPARTMENT OF INTERIOR AFFAIRS

Office of the Secretary of Interior Affairs

1. Realty and Trust Services
2. Transportation
3. Tribal Construction Services
4. Capital Improvement Plan Management
5. Cultural Preservation and Museum Management
6. Agricultural Resource Management
7. Land, Natural, Fish & Wildlife Resources Management
8. Water, Air Quality, and Mineral Resource Management
9. Water, Sewer, and Solid Waste Management
10. Risk Management and Geospatial
11. Environmental Services
12. Federal Roads

H. DEPARTMENT OF COMMERCE

Office of the Secretary of the Nation and Commerce

1. Uniform Commercial Code Management

I. DEPARTMENT OF HOUSING

Office of the Secretary of Housing

1. Accounting
2. Admissions
3. Housing Construction Services
4. Development/Acquisition
5. Force Account
6. Housing Management
7. Elderly Housing
8. Housing Programs
9. Housing Services
10. Contract Services and Procurement
11. SIPS Plant

J. MVSKOKE MEDIA

1. Public Relations
2. Communications

K. INDEPENDENT STATUTORY EXECUTIVE AGENCIES

1. Lighthorse Administration
2. Office of Tax Commission
3. Office of Public Gaming
4. Gaming Operations Authority Board
5. Tribal Trade and Commerce Authority
6. Muscogee (Creek) Nation Business Enterprise
7. Creek Nation Foundation
8. Office of Veterans Affairs

L. INDEPENDENT CONSTITUTIONAL EXECUTIVE AGENCIES

1. Citizenship Board
2. Election Board
3. College of the Muscogee Nation Board of Regents

§ 1-103. Removal

The Principal Chief shall have the power to remove the Tribal Administrator and Secretary of any Executive Department appointed by him, in case of incompetency, neglect of duty, or malfeasance in office; and may then fill the same as provided through the nomination and confirmation process. Removal by the Principal Chief of the Tribal Administrator and Secretary of any Department shall be governed under this Chapter and MCNCA Title 31 provisions shall not apply. Removal by the Citizens shall be in accordance with the Constitution, and removal (impeachment) by the National Council shall be in accordance with Title 31.

SECTION FOUR. Any provision within the Muscogee (Creek) Nation Code Annotated there appears the term "Director of Health," the same shall be construed to mean, and apply to the newly created office of "Secretary of Health."

Any provision within the Muscogee (Creek) Nation Code Annotated there appears the term "Director of Human Development," and/or the term "Director of Community Services," the same shall be construed to mean, and apply to the newly created office of "Secretary of the Department of Community and Human Services," except as such Directors' authority applied to the Johnson O'Malley program, the Eufaula Dormitory, Employment and Training Services, Adult Education, Higher Education, Headstart, and or the Mvskoke Revitalization Language Program in which case the same shall be construed to mean, and apply to the newly created office of "Secretary of the Department of Education, Employment and Training."

Any provision within the Muscogee (Creek) Nation Code Annotated there appears the term "Tribal Affairs Director," the same shall be construed to mean, and apply to the newly created office of "Secretary of Interior Affairs."

Any provision within the Muscogee (Creek) Nation Code Annotated there appears the term "Director of Housing," the same shall be construed to mean, and apply to the newly created office of "Secretary of Housing."

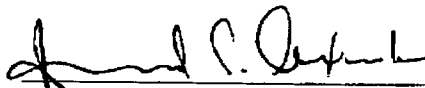
Any provision within the Muscogee (Creek) Nation Code Annotated there appears the term "Controller," the same shall be construed to mean, and apply to the newly created office of "Controller and Secretary of the Treasury."

SECTION FIVE. The current Director of Human Development shall be renamed the Secretary of Education, Employment and Training and shall not have to be re-confirmed. The current Director of Tribal Affairs shall be renamed the Secretary of Interior Affairs and shall not have to be re-confirmed. The current Director of Community Services shall be re-named the Secretary of Community and Human Services and shall not have to be re-confirmed. The current Controller shall be re-named the Controller and Secretary of the Treasury and shall not have to be re-confirmed.

SECTION SIX. 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 29th day of September, 2012.

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



Samuel S. Alexander, 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 Eighteen members with Sixteen members attending this meeting on the 29th day of September, 2012 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 4th day of October, 2012 to the above Law, NCA 12-174 authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal Chief
Muscogee (Creek) Nation

