



NCA 10-191

CLASSIFICATION: #17. ECONOMIC DEVELOPMENT

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 17 §6-112 TO AMEND THE MUSCOGEE NATION BUSINESS ENTERPRISE FY 2010 DISTRIBUTION OF PROFITS

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

SECTION ONE. FINDING. The National Council finds that:

Currently, there are funds available that have not been distributed or spent from the Muscogee Nation Business Enterprise FY 2010 distributions to the Nation and can be utilized for the Comprehensive Annual Budget and General Fund for appropriations and expenditures, as determined by duly enacted laws of the Muscogee (Creek) Nation.

SECTION TWO. AMENDMENT. MCNCA Title 17, §6-112 shall be amended to read as follows:

6-112. Disposition of profits

A. Within thirty (30) days after the Business Enterprise submits its quarterly financials to the Principal Chief, Controller and National Council, the Business Enterprise shall distribute twelve percent (12%) of its Quarterly Net Income to the Muscogee (Creek) Nation as provided herein. Based upon quarterly financials, the Business Enterprise Board shall determine, the Quarterly Net Income of the Business Enterprise, which shall be net income generated from the Business Enterprise minus operating expenses and any outstanding financial obligations, including but not limited to surety bonds, lines of credit, loans and collateralized funds. The portion of such Quarterly Net Income distributed to the Muscogee (Creek) Nation by the Business Enterprise, hereinafter referred to as the "Quarterly Distribution," shall be as follows:

1. The Business Enterprise Board shall pay the Quarterly Distribution, to the Muscogee (Creek) Nation Controller for deposit into the General Fund, as provided for in subsection 2 of this section. Upon payment of the Quarterly Distribution to the Controller, the Board shall notify the Principal Chief and National Council of such Quarterly Distribution in writing of the date said Quarterly Distribution was made to the Controller. In the event that the

Business Enterprise's Quarterly Distribution to the Nation overextends the Business Enterprises's ability to cover its outstanding financial obligations, the Business Enterprise shall immediately provide written notice to the Principal Chief, the National Council and the Controller of said issue and the Controller shall return the funds necessary to cover the financial obligations of the Business Enterprise.

2. The Quarterly Distributions from the Business Enterprise shall be allocated as follows:

- a. Contract Health- 40%
- b. Economic Development and Land Acquisition- 60%

3. **The Quarterly Distributions from FY 2010 shall be allocated as follows:**


- a. Comprehensive Annual Budget- 30%**
- b. General Fund- 70%**

SECTION THREE. This amendment shall be limited to FY 2010 Distributions regardless of allocation percentages in MCNCA Title 17, §6-112.A.2. MCNCA Title 17, §6-112.A.3. shall expire after FY 2010 Distributions have been made in accordance with the above and shall not extend to any other years unless by Legislative Act.

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 **30th** day of **October** **2010.**

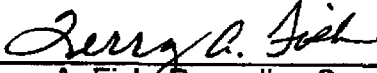
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



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-Five** members attending this meeting on the **30th day of October 2010**, and that the above is in conformity with the provisions therein adopted by a vote of **24** in favor, **0** 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.



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

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 8 day of November, 2010, to the above Law, **NCA 10-191** 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

