



### RECONSIDERATION OF NCA 11-087 AFTER VETO

I, the undersigned, certify that the foregoing "Reconsideration of NCA 11-087 After Veto" is a true extract from the, May 21, 2011, Regular Session Journal of the Muscogee (Creek) National Council.

**AND THAT,** NCA 11-087 entitled, **A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 21 §4-102 ENTITLED, "Board Composition"** was presented to the National Council acting as a Council as a Whole and was approved in Regular Session on May 21, 2011, National Council by a vote of 23 in favor, 0 against, 0 abstention.

**AND THAT,** Said legislation was returned as a Veto with objections by the Principal Chief on, June 3, 2011 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 Regular Session on June 18, 2011, 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-Two present with a vote of 22 in favor, 0 against;

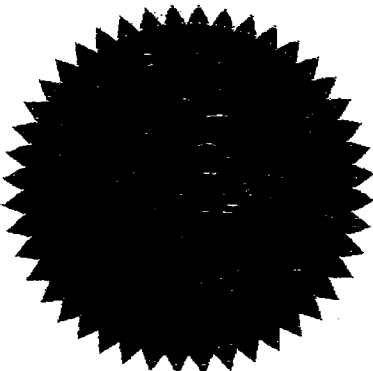
**THEREFORE, BE IT KNOWN,** under Article VI., Section 6. (a) of the Muscogee (Creek) Nation Constitution, NCA 11-087 is hereby recorded as a "VETO OVER-RIDE" on this 18<sup>th</sup> day of June 2011.

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 20<sup>th</sup> day of June 2011.

Roger Barnett, Speaker  
National Council  
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

June 3, 2011

Muscogee (Creek) National Council  
Honorable Speaker Barnett

RECEIVED

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National Council Office

Dear Speaker Barnett:

I am returning NCA 11-087 herewith:

### **A MESSAGE OF THE PRINCIPAL CHIEF RETURNING NCA 11-087 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 11-087, entitled "**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 21 §4-102, ENTITLED, "BOARD COMPOSITION"**" as a VETO with the following objections:

**OBJECTION ONE:** The proposed NCA 11-087 is 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 11-087 has been passed unilaterally by the National Council, with no collaboration or consultation of any sort with the Principal Chief. As such, proposed NCA 11-087 is an unconstitutional infringement on the powers of the Principal Chief and the Executive Branch, by the National Council.

**OBJECTION TWO:** The provisions of NCA 11-087 are vague, unwieldy and improperly prevent the Executive Branch from acting in the best interest of the citizens of the Muscogee (Creek) Nation. By way of illustration, and not by way of limitation, the addition of the option of a "Post-Graduate Degree with commensurate executive administration experience" is not clearly defined and is therefore subject to varied and conflicting interpretations. 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 THREE:** The Principal Chief believes that the amendments contained in NCA 11-087 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 workings of the Executive Branch.

**OBJECTION FOUR:** The Principal Chief believes that the amendments contained in NCA 11-087 are not necessary in that the current statutes of the Muscogee (Creek) Nation provide for the appropriate qualifications for the members of the Gaming Operations Authority Board and therefore do not require any amendments. 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.

For the reasons outlined above, NCA 11-087 is hereby returned as a **VETO**.

Sincerely,

A handwritten signature in black ink, appearing to read "A. D. Ellis". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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

**DATED: June 3, 2011**

ADEnb

# VETO OVERRIDE



NCA 11-087

**CLASSIFICATION: #21. GAMING**

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 21 §4-102 ENTITLED, "Board composition"**

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

**SECTION ONE. AMENDMENT.** This amendment shall be codified in Title 21, 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 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 21 §4-102, A. is hereby amended to read as follows:

A. Membership and appointment. The Gaming Operations Authority Board shall consist of five (5) members, two (2) of whom shall be nominated by the Principal Chief and confirmed by the National Council by Tribal Resolution and three (3) nominated and confirmed by the National Council by Tribal Resolution, ~~and who shall possess the following educational and professional qualifications: B.A. Degree in Business related courses; Certified Public Accountant (C.P.A.); Architectural Engineer and Juris Doctorate with a minimum of five (5) years work experience.~~

**B1. Professional Qualifications. The Gaming Operations Authority Board members shall possess five years of work experience and one of the following professional qualifications:**

- 1a. Bachelors Degree in Business or Bachelors Degree with an emphasis in Business;**
- 2b. Certified Public Accountant Certification;**
- 3c. Architectural Engineering Degree;**
- 4d. Juris Doctorate; or**

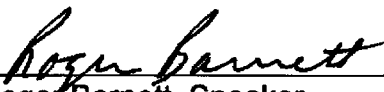
**5e. Post-Graduate Degree with commensurate executive administrative experience**

All such appointments shall be for a period of two (2) years to commence on the date the confirnee received his or her gaming license, at the expiration of which the office shall be deemed vacant without holdover.

**SECTION THREE. EFFECTIVE DATE.** The effective date of this amendment shall be on the date of approval by the National Indian Gaming Commission; on the date the National Indian Gaming Commission determines that approval of the amendments are not necessary; or in the absence of issuance of approval or disapproval by the National Indian Gaming Commission, ninety days from the date of submission of this amendment to the National Indian Gaming Commission, whichever date occurs first.

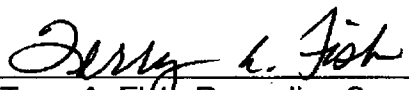
**ENACTED** by the Muscogee (Creek) National Council on this **21st** day of **May 2011**.

**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-Four** members attending this meeting on the **21st day of May, 2011** and that the above is in conformity with the provisions therein adopted by a vote of **23** 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

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**NCA 11-087**

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to the above Law, **NCA 11-087** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

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

