



NCA 12-128

**CLASSIFICATION: #26. JUDICIAL BRANCH/COURTS**

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 26, ENTITLED "Judicial Branch/Courts"**

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

**SECTION ONE. AMENDMENT.** These amendments shall be codified in Title 26 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 26 §2-201. D. is hereby amended to read as follows:

D. Compensation. Each District Trial Court Judge shall be compensated in the amount of \$150.00 per hour with a maximum of \$3,500.00 per month plus expenses, with the exception of the Administrator Officer of the Court. The Judge designated as the Administrator Officer shall be compensated in the amount of \$4,175.00 per month per month for administrative duties of the Court. **The Administrative Officer of the Court may elect to participate in fringe benefits provided to Judicial Branch employees.** Total Judges' salary shall not exceed that amount appropriated by the National Council without further National Council approval and/or appropriation. In the event a trial is expected to exceed a period of time that is extraordinary in duration, an exception to the monthly judges' salary limitation is hereby authorized. **Compensation shall have F.I.C.A. and federal income taxes withheld in the same manner as any other employee.**

**SECTION THREE. AMENDMENT.** MCNCA Title 26 §3-102 is hereby amended to read as follows:

**§3-102. Supreme Court Justices**

A. Submission of Nomination. Ninety (90) days prior to expiration of the term of office of a Supreme Court Justice, the Principal Chief shall submit a nomination to the National Council.

B. Vacancies. In the event of a vacancy caused by resignation or death of a Supreme Court Justice, the Principal Chief shall submit a nomination within thirty (30) days of such vacancy.

C. ~~Full-Citizenship Required.~~ The Supreme Court Justices shall be full citizens of the Muscogee (Creek) Nation ~~unless waived by a two-thirds (2/3) vote of the full National Council.~~

D. Compensation. The Chief Justice of the Supreme Court shall be compensated at the rate of one thousand two hundred dollars (\$1,200.00) per month and the other Supreme Court Justices shall be compensated at the rate of one thousand dollars (\$1,000.00) per month. Compensation shall have F.I.C.A. and federal income taxes withheld in the same manner as any other employee.

**SECTION FOUR. AMENDMENT.** MCNCA Title 26 §5-102 is hereby amended to read as follows:

**§5-102. Judicial Branch Finances and Budget**

**Effective October 1, 2012,** ~~T~~the Controller shall be directly responsible for all financial management activities of the Trials Courts and the Supreme Court and shall have sole disbursement authority over all monies of the District Trial Courts and the Supreme Court. The Controller shall maintain the budget and all monies in accordance with the laws of the Nation. The budget for the District Trial Courts and the Supreme Court shall not be considered a separate budget of the Nation. No funds shall be disbursed to the District Trial Courts or Supreme Court for expenditure by the District Trial Courts or Supreme Court. The District Trial Courts and Supreme Court and the Justices and Judges are prohibited from directly issuing or executing checks, financial instruments, disbursing funds, debiting any accounts, or causing a debt or obligation from any funds or assets of the Muscogee (Creek) Nation including the funds or assets of the District Trial Courts or Supreme Court.

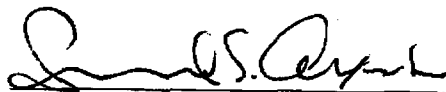
The Controller shall not subjectively evaluate or withhold the processing of financial documents, and shall issue or execute checks, financial instruments, disburse funds or debit accounts, as long as the transaction is in compliance with A-87, OMB Circular 133, and Generally Accepted Accounting Principles (GAAP).

This section shall not apply to monies ordered or disbursed that were previously paid into a court case, or ordered and paid pursuant to a judgment authorized pursuant to judicial orders.

**SECTION FIVE. 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 **28<sup>th</sup>** day of **July, 2012**.

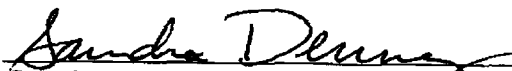
**IN WITNESS WHEREOF**, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Samuel S. Alexander, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**


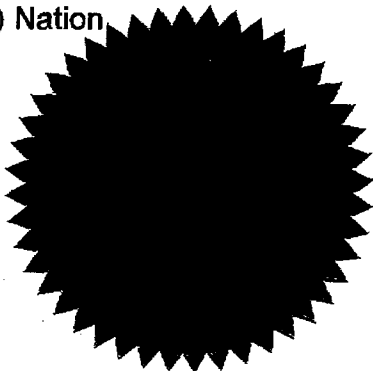
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Eighteen members with **Fifteen** members attending this meeting on the **28<sup>th</sup>** day of **July, 2012** and that the above is in conformity with the provisions therein adopted by a vote of **9** in favor, **5** against, **0** abstain and that said Resolution has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Sandra Denney, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 9<sup>th</sup> day of August, 2012, to the above Resolution, **NCA 12-128** authorizing it to become a Resolution under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal Chief  
Muscogee (Creek) Nation