

# TITLE 16. EXECUTIVE BRANCH

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Former Section	New Sections	Former Section	New Sections
1-101 .....	1-101	4-105 .....	none
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### CHAPTER 1. ORGANIZATION OF EXECUTIVE OFFICE OF THE PRINCIPAL CHIEF

- Section**
- 1-101. Definitions.
  - 1-102. Reorganization Plan of 2004.
  - 1-103. Compliance of appointments with laws.
  - 1-104. Term of office.
  - 1-105. Holding multiple positions.
  - 1-106. Repealer.

#### Historical and Statutory Notes

NCA 96-18, § 110, provides: court, the decision of the court so holding, shall not affect or impair any of the remaining parts or provisions hereof.”

“Severance clause: If any part or provision hereof shall be held void by tribal or federal

#### Cross References

Executive Office of the Principal Chief, see Const. Art. V, § 2.

#### § 1-101. Definitions

- A. “Office”—Offices of the Executive Office of the Principal Chief.
- B. “Appointed Officer”—A person appointed by the Principal Chief with the advice and consent of the Muscogee National Council. Appointed officers are:

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## **EXECUTIVE BRANCH**

Controller, Attorney General, Secretary of the Nation, Executive Director, Directors of Tribal Affairs, Human Development, Housing, Health and Community Services Divisions, Gaming Commissioner, and the Tax Commissioner.

C. “Executive Director”—An appointed officer in charge of the Office of Administration who reports directly to the Principal Chief.

D. “Director”—An appointed officer in charge of one of the five (5) following divisions (Tribal Affairs, Community Services, Housing, Health or Human Development) and who reports directly to the Executive Director.

E. “Inferior officer”—Any officer who is subordinate to a Director of any of the five (5) Divisions (Tribal Affairs, Human Development, Housing, Health or Community Services). Appointments of inferior officers do not require the advice and consent of the National Council. Program Managers of each of five (5) divisions are defined as inferior officers.

[Added by NCA 04–035, § 3, eff. March 12, 2004; amended by NCA 09–028, § 2, eff. Feb. 13, 2009.]

### **Historical and Statutory Notes**

**Derivation:** Title 16, § 1–101, added by NCA 96–18, § 103  
NCA 88–15, § 102; repealed by NCA 96–18, § 109, and repealed by NCA 04–035, § 37.

## **§ 1–102. Reorganization Plan of 2004**

The following constitutes the Reorganization Plan of 2004:

### **A. OFFICE OF THE TREASURY**

Controller (An Appointed Officer)

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

### **B. OFFICE OF ATTORNEY GENERAL**

Attorney General (An Appointed Officer)

### **C. INDEPENDENT AGENCIES ADMINISTRATION**

1. Office of Tax Commission (An Appointed Officer)
2. Housing Authority
3. Muscogee (Creek) Nation Business Enterprise
4. Tribal Trade and Commerce Authority
5. Office of Public Gaming
6. Gaming Operations Authority Board
7. Citizenship Board
8. Election Board
9. Lighthorse Commission (Lighthorse Administration)
10. Creek Nation Foundation

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- 11. Veterans Affairs
- 12. Muscogee (Creek) Nation Health Systems Board

**D. OFFICE OF THE ADMINISTRATION**

- 1. Executive Director (An Appointed Officer)
  - a. Personnel Services
  - b. GSA
  - c. Facilities
  - d. Communication Services
  - e. Ambassador
  - f. Information Technology

2. **DIVISIONS:** Within the Executive Office of the Principal Chief and under the direction of the Office of Administration shall be established the following divisions:

**a. DIVISION OF TRIBAL AFFAIRS**

Director (An Appointed Officer)

- i. Planning Department
- ii. Realty
- iii. Tribal Roads/Driveways
- iv. Federal Roads Construction
- v. Housing Improvement Program
- vi. 4-H Board of Directors
- vii. Tribal Construction/Engineering
- viii. Transit Program

**b. DIVISION OF HUMAN DEVELOPMENT**

Director (An Appointed Officer)

- i. Johnson O'Malley
- ii. Cultural and Historic Preservation
- iii. Eufaula Dormitory
- iv. Employment and Training Services
- v. Adult Education
- vi. Headstart
- vii. Higher Education
- viii. Mvskoke Language Program

**c. DIVISION OF COMMUNITY SERVICES**

Director (An Appointed Officer)

- i. Social Services
- ii. Community Research and Development

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- iii. Children and Family Services
- iv. Child Care Program
- v. Food Distribution Program
- vi. Temporary Assistance for Needy Families (TANF) Program

### **d. DIVISION OF HOUSING**

Director (An Appointed Officer)

- i. Administration and Planning
- ii. Development
- iii. Construction Services
- iv. Housing Management

### **e. DIVISION OF HEALTH**

Director (An Appointed Officer)

[Added by NCA 04–035, § 4, eff. March 12, 2004; amended by NCA 04–055, § 2, eff. April 15, 2004; NCA 04–059, § 2, eff. April 15, 2004; NCA 04–146, § 1, eff. Sept. 01, 2004; NCA 05–084, § 2, approved May 6, 2005; NCA 05–180, § 3, approved Sept. 2, 2005; NCA 05–085, § 2, approved May 6, 2005; NCA 06–198, § 1, eff. Aug. 31, 2006; NCA 06–204, § 6, eff. October 9, 2006; NCA 07–129, § 6, eff. May 25, 2007; NCA 09–028, § 3, eff. Feb. 13, 2009.]

### **Historical and Statutory Notes**

#### **Derivation:**

NCA 88–15, §§ 103, 104; repealed by NCA 96–18, § 109.

NCA 81–13, § 101; rescinded by NCA 86–20, § 101; repealed by NCA 88–15, § 101.

Title 16, § 1–102, added by NCA 96–18, § 104; amended by NCA 98–131, § 103; NCA 98–132, § 103; and repealed by NCA 04–035, § 7.

#### **Former section:**

Former § 1–102, which constituted the reorganization plan of 1996, was added by NCA 96–18, § 104; amended by NCA 98–130, § 103; NCA 98–131, § 103; NCA 98–132, § 103; and repealed by NCA 04–035, § 7.

### **Cross References**

Attorney General, see Title 16, § 3–101 et seq.  
Children and Family Services Administration, see Title 6, § 1–201 et seq.  
Citizenship Board, see Title 7, § 2–101 et seq.  
Controller, see Title 37, § 2–701 et seq.  
Department of Environmental Services, see Title 22, § 7–201 et seq.  
Department of Grant Program Compliance, see Title 37, § 2–801 et seq.  
Department of NAHASDA and Tribal Service Program Planning, see Title 16, § 6–101 et seq.  
Election Board, see Title 19, § 2–101 et seq.  
Environmental Services Department, see Title 22, § 7–201.  
Eufala Dormitory Administrator, see Title 18, § 3–502.  
Food Distribution Program, see Title 35, § 4–101.  
Gaming Commissioner, see Title 21, § 2–101 et seq.  
Gaming Operations Authority Board, see Title 21, § 4–101 et seq.  
Housing Authority, see Title 24, § 1–101 et seq.  
Housing Rehabilitation Program, see Title 24, § 3–101 et seq.  
Johnson-O'Malley Programs, see Title 18, § 1–101 et seq.  
Law Enforcement Department, see Title 16, § 4–101 et seq.  
Lighthorse Commission, see Title 16, § 4–102.  
Manufacturing Enterprise, see Title 17, § 3–101 et seq.  
Tax Commission, see Title 36, § 1–103 et seq.

**Library References**

Indians ⇨210, 215, 225 to 227.  
Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72, 76, 140  
to 149.

**§ 1–103. Compliance of appointments with laws**

Appointments made to these offices: Controller, Executive Director, Directors, Attorney General, Secretary of the Nation, Gaming Commissioner and the Tax Commissioner shall comply with all existing Tribal laws.

[Added by NCA 04–035, § 5, eff. March 12, 2004; amended by NCA 09–028, § 4, eff. Feb. 13, 2009.]

**Historical and Statutory Notes****Derivation:**

NCA 88–15, § 102; repealed by NCA 96–18,  
§ 109.

Title 16, § 1–103, added by NCA 95–78,  
§ 103; amended by NCA 96–18, § 105; and  
repealed by NCA 04–035, § 7.

**Cross References**

Juvenile adjudication not to disqualify from employment or office, see Title 6, § 1–404.

**Library References**

Indians ⇨215, 225.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 59, 140 to 149.

**§ 1–104. Term of office**

The term of office of all appointed officers named in Title 16, § 1–103 shall expire concurrently with the term of office of the Principal Chief, during which the term the officer was appointed.

[Added by NCA 04–035, § 6, eff. March 12, 2004.]

**Historical and Statutory Notes****Derivation:**

NCA 88–15, § 102; repealed by NCA 96–18,  
§ 109.

Title 16, § 1–104, added by NCA 96–18,  
§ 106; and repealed by NCA 04–035, § 7.

**Library References**

Indians ⇨215.  
Westlaw Topic No. 209.  
C.J.S. Indians § 59.

**§ 1–105. Holding multiple positions**

No person shall be allowed to hold a position on more than one (1) of the various boards, councils or commissions under the jurisdiction of the Muscogee (Creek) Nation, with the exception of the Muscogee Nation Business Enterprise Board of Directors and the Muscogee (Creek) Nation Tribal Trade and Commerce Authority Board of Trustees which may be composed of the same individuals.

[NCA 86–20, § 103; amended by NCA 02–188, § 1, approved Dec. 27, 2002.]

**Title 16, § 1-106**

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**§ 1-106. Repealer**

NCA 96-18 and any other legislation in conflict with this law is hereby repealed.

[Added by NCA 04-035, § 7, eff. March 12, 2004.]

## CHAPTER 2. COMPENSATION

### Section

2-101. Compensation of Principal Chief; fringe benefits.

2-102. Compensation for Second Chief; fringe benefits.

### Historical and Statutory Notes

NCA 04-182, creating the Office of the Internal Auditor in Chapter 2, Subchapter 8 of this Title, was created during the 2004 legislative year and subsequently repealed by NCA 04-199, § 1, eff. Oct. 30, 2004.

### Cross References

Principal Chief and Second Chief, fixed compensation, see Const. Art. V, § 1.

### § 2-101. Compensation of Principal Chief; fringe benefits

A. The fixed compensation of the Principal Chief shall be one hundred thousand and no/100 dollars (\$100,000) per year during the period for which he/she shall be elected.

B. The Principal Chief shall be paid fringe benefits at the same rate as Tribal employees in accordance with the personnel policy of the Muscogee (Creek) Nation.

[Added by NCA 03-014, § 2, eff. Jan. 01, 2004.]

### Historical and Statutory Notes

#### Derivation:

NCA 83-46, § 102; repealed by NCA 99-118, § 103.

NCA 91-101, § 102; repealed by NCA 99-118, § 103.

Title 16, § 2-101, added by NCA 99-118, § 102 and repealed by NCA 03-014, § 4.

### Cross References

Tribal officers and employees, limit on compensation, see Title 27, § 3-101.

### Library References

Indians ⇄216.

Westlaw Topic No. 209.

C.J.S. Indians § 59.

### § 2-102. Compensation for Second Chief; fringe benefits

A. The fixed compensation of the Second Chief shall be sixty thousand dollars and no/100 (\$60,000.00) per year during the period for which he or she is elected.

B. The Second Chief shall be paid fringe benefits at the same rate as Tribal employees in accordance with the personnel policy of the Muscogee (Creek) Nation.

[NCA 99-117, § 102, approved Dec. 29, 1999; amended by NCA 03-105, § 2, eff. Jan. 01, 2004.]

**Title 16, § 2-102**

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**Historical and Statutory Notes**

**Derivation:** NCA 83-46, § 103; repealed by NCA 99-118, § 103. NCA 91-100, § 102; repealed by NCA 99-118, § 103. NCA 99-118, § 102; repealed by NCA 03-014.  
NCA 91-100, § 102; repealed by NCA 99-118, § 103.

**Cross References**

Child Support Enforcement staff, duties of Director or Managing Attorney, see Title 6, § 6-106.



## **CHAPTER 3. OFFICE OF THE ATTORNEY GENERAL**

### **Section**

- 3-101. Organizational structure.
- 3-102. Office of Attorney General.
- 3-103. Chief Law Officer.
- 3-104. Subordinate staff.
- 3-105. Investigators.
- 3-106. Powers and duties.
- 3-107. Opinions of Attorney General.
- 3-108. Tribal officer or employee; legal defense services.
- 3-109. Qualifications.
- 3-110. Approval.
- 3-111. Repealed.

### **Cross References**

Budget, Office of the Attorney General, see Title 37, § 2-101.

### **§ 3-101. Organizational structure**

The Office of Justice is hereby renamed the Department of Justice. The Office of the Attorney General is a component of the Department of Justice. [NCA 92-81, § 102, approved June 3, 1992.]

### **Cross References**

Prosecutor and Assistant Prosecutor, see Title 14, § 1-201 et seq.

### **§ 3-102. Office of Attorney General**

A. There is hereby established the Office of Attorney General within the government structure of the Muscogee (Creek) Nation, the head of which shall be the Attorney General, appointed by the Principal Chief and confirmed by the National Council for the term of his/her contract, and removable by Tribal Resolution.

B. The Attorney General shall be considered an appointed office of the Muscogee (Creek) Nation and shall be required to take an oath to uphold the Constitution of the Muscogee (Creek) Nation.

[NCA 89-19, § 102, veto overridden Feb. 25, 1989.]

### **§ 3-103. Chief Law Officer**

The Attorney General is the Chief Law Officer of the Muscogee (Creek) Nation and shall have charge of the Department of Justice and of all legal matters in which the Muscogee (Creek) Nation Government has an interest.

[NCA 92-81, § 103, approved June 3, 1992.]

### **§ 3-104. Subordinate staff**

A. The Attorney General is hereby empowered to create subordinate positions within the Office of the Attorney General and is hereby empowered to appoint and supervise subordinate attorney staff including a Deputy Attorney

## **Title 16, § 3-104**

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General, Assistant Attorneys General and Special Prosecutors as funds permit. All subordinate attorneys shall serve at a negotiated salary and at the pleasure of the Attorney General.

B. On behalf of the Muscogee (Creek) Nation and without prior approval of the National Council or any Committee thereof, the Principal Chief or any other official of the Muscogee (Creek) Nation, to negotiate and execute attorney contracts for a Deputy Attorney General, Assistant Attorneys General and Special Prosecutors, within the approved Muscogee (Creek) Nation budget for attorneys' fees and expenses, to provide for legal counsel to the Muscogee (Creek) Nation Government or any other legal representation deemed necessary to protect the interest of the Muscogee (Creek) Nation.

[NCA 92-81, § 103, approved June 3, 1992.]

### **§ 3-105. Investigators**

A. 1. "Peace officer" as used herein shall mean any duly appointed person who is charged with the responsibility of maintaining public order, safety, and health by the enforcement of all laws or orders of this Nation and who is authorized to bear arms in execution of his responsibilities.

2. "Qualified" as used herein shall mean that said investigator is certified as a peace officer by the Bureau of Indian Affairs, the Indian Police Academy, Oklahoma's Council on Law Enforcement Education and Training or some other comparable certifying school or agency for peace officers; and where a proper background investigation has been conducted utilizing the Federal Bureau of Investigation and Oklahoma State Bureau of Investigation, with fingerprints to be taken and sent to the Federal Bureau of Investigation.

B. 1. The Attorney General's investigators serve under the direction of the Attorney General, and shall perform such services as are necessary in the investigation of criminal activity or preparation of civil litigation within the Muscogee (Creek) Nation.

2. If the Attorney General's investigator is certified as a peace officer by the Bureau of Indian Affairs, the Indian Police Academy, Oklahoma's Council on Law Enforcement Education and Training, or some other comparable training for peace officers, the investigator shall be eligible to be commissioned as a peace officer and upon such a commission shall have the powers now, or hereafter, vested by law in peace officers and, while in the performance of official duties as an investigator for the Attorney General or pursuant to any cross-deputization agreement, shall have jurisdiction in the Muscogee (Creek) Nation and pursuant to any cross-deputization agreement under which he receives a further commission.

C. The Attorney General is hereby authorized to commission qualified investigators of the Attorney General's office as peace officers with the authority to maintain public order, safety, and health by the enforcement of all laws or orders of this Nation.

[NCA 00-104, §§ 103 to 105, approved Nov. 2, 2000.]

**§ 3–106. Powers and duties**

The duties of the Attorney General as the Chief Law Officer of the Muscogee (Creek) Nation shall be:

M. To keep all files handled by him on behalf of the Muscogee (Creek) Nation for a period of eight (8) years from the date of closure; provided that some files may be kept longer at the Attorney General's discretion.

[NCA 89–19, § 103, veto overridden Feb. 25, 1989; amended by NCA 02–033, § 103, approved April 1, 2002; NCA 07–075, § 1, eff. April 9, 2007.]

**Library References**

Attorney General ⇐5.

Indians ⇐210.

Westlaw Topic Nos. 46, 209.

C.J.S. Attorney General §§ 26 to 78.

C.J.S. Indians §§ 57 to 59, 66 to 72.

C.J.S. Parent and Child § 251.

**§ 3–107. Opinions of Attorney General**

A. The Attorney General shall annually publish all of the written opinions which he promulgates in connection with the interpretation of the laws of the Muscogee (Creek) Nation. One copy of the bound volume shall be provided to each member of the Legislature, the Principal Chief, and members of the Judicial Branch.

B. The Attorney General is hereby authorized to sell any surplus bound volumes and requested individual copies of opinions to help cover the cost of the publication, postal charges and other necessary expenses and proceeds of such sales shall be deposited into the Attorney General's Revolving Fund.

[NCA 89–19, § 104, veto overridden Feb. 25, 1989.]

**Cross References**

Attorney General's Revolving Fund, see Title 37, § 2–202.

**§ 3–108. Tribal officer or employee; legal defense services**

A. In the event an action is brought against an employee, who for the purposes of this subchapter shall be an elected or appointed Tribal officer or employee of any Tribal office, institution, agency, board or commission of any branch of Tribal government in any civil action or special proceeding in the courts of the Muscogee (Creek) Nation, or of the United States, by reason of any act done or omitted in good faith in the course of his employment, it is the duty of the Attorney General or staff attorney of such person's agency where the agency is authorized by law to be represented in his behalf. Such written request shall be made within fifteen (15) days after service of summons on the employee and a copy of the request shall be transmitted by the employee to the head of his agency and the Attorney General.

B. The Attorney General or a designated legal officer shall not represent a Tribal employee if that employee did not perform a statutorily required duty and such duty is a basis of the civil action or special proceeding.

C. The Attorney General may direct an appropriate legal officer including a staff attorney of an agency authorized by law to be represented in court by a member of its own permanent legal staff to appear and defend such action.

The attorney may intervene in any such action or proceeding and appear on behalf of the Muscogee (Creek) Nation, or any of its officers or employees, where he deems the Muscogee (Creek) Nation to have an interest in the subject matter of the litigation.

D. The Attorney General shall determine the method of preparation and presentation of such defense. The Attorney General or other legal officer under his direction shall not be held civilly liable for the exercise of such discretion.

E. The employee named in the action may employ private counsel at his own expense to assist in his defense.

F. Any officer or employee who acts outside of the scope of his official authority shall be liable in damages in the same manner as any private citizen.

G. When an original action seeks either a writ of mandamus or prohibition against a Tribal Judge, the Attorney General shall represent such judicial officer if, and only if, directed to do so, in writing, by the Chief Justice of the Tribal Supreme Court, upon the Chief Justice's finding that such representation is necessary to protect either the function or integrity of the judiciary. Such finding by the Chief Justice shall be final and binding.

[NCA 89–19, § 105, veto overridden Feb. 25, 1989.]

**§ 3–109. Qualifications**

A. The position of the Attorney General shall be filled with a person who is a member in good standing with the Oklahoma Bar Association and the Muscogee (Creek) Nation Bar Association, with preferences given to those full citizens of the Muscogee (Creek) Nation.

B. The Attorney General shall have no previous felony convictions.

[NCA 89–19, § 106, veto overridden Feb. 25, 1989; amended by NCA 95–78, § 103, approved July 21, 1995.]

**Cross References**

Full citizenship, see Const. Art. III, § 4.

Juvenile adjudication not to disqualify from employment or office, see Title 6, § 1–404.

**Library References**

Attorney General ⇌1.

Westlaw Topic No. 46.

C.J.S. Attorney General §§ 1 to 19.

**§ 3–110. Approval**

The position of the Attorney General shall be a contractual position subject to approval of the Principal Chief, the National Council, and the U.S. Department of Interior, Bureau of Indian Affairs.

[NCA 89–19, § 107, veto overridden Feb. 25, 1989.]

**§ 3–111. Repealed by NCA 01–155, § 1, eff. Sept. 10, 2001**

## CHAPTER 4. LAW ENFORCEMENT DEPARTMENT

### Subchapter

1. Organization, Powers and Duties; Lighthouse Administration
2. Contracts With Federal or State Agencies

### Cross References

Indian Country law enforcement, see 25 CFR 12.1 et seq.

### Code of Federal Regulations

Budget, Law Enforcement Department, see Title 37, § 2–102.

### United States Code Annotated

Indian law enforcement reform, see 25 U.S.C.A. § 2801 et seq.

## SUBCHAPTER 1. ORGANIZATION, POWERS AND DUTIES—LIGHTHORSE ADMINISTRATION

### Section

- 4–101. Creation of Lighthouse Administration.
- 4–102. Background investigations.
- 4–103. Appointment/oath.
- 4–104. Personnel.
- 4–105. Policies and procedures.
- 4–106. Lighthouse Chief.
- 4–107. Administrative Assistant to the Lighthouse Chief.
- 4–108. Deputy Chief of Police.
- 4–109. Deputy Chief of Special Operations.
- 4–110. Police officer.
- 4–111. Investigators.
- 4–112. Game Ranger.
- 4–113. Cross-deputization agreements.
- 4–114. Reciprocal agreement authority.
- 4–115. Carrying of concealed weapons by active or retired law enforcement officers.
- 4–116. Law enforcement academy agreements or contracts.

### Cross References

Contracts with Bureau of Indian Affairs, see Title 16, § 4–201.

### § 4–101. Creation of Lighthouse Administration

There is hereby created the Lighthouse Administration as an independent agency of the Executive Branch.

[Added by NCA 04–131, § 1, eff. Oct. 01, 2004.]

### Historical and Statutory Notes

**Derivation:** 89–148, § 102 and repealed by NCA 04–131, Title 16, § 4–101, added by 89–148, § 102, § 1. and repealed by NCA 04–131, § 1.

### Former section:

Former § 4–101, which established the Law Enforcement Department, was added by NCA

**Library References**

Indians ⇨210.  
 Westlaw Topic No. 209.  
 C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 4–102. Background investigations**

A background investigation of all candidates selected for employment by the Lighthorse Administration shall be obtained prior to the final hiring decision. All background investigations shall be conducted by an independent company and shall be coordinated by the Attorney General’s office. All costs of the background investigation shall be borne by the Lighthorse Administration. No one shall be hired by the Lighthorse Administration who is currently on probation or who has a felony conviction or a misdemeanor conviction involving violence, theft, fraud, embezzlement, gaming related crimes or any crime of moral turpitude.

[Added by NCA 04–131, § 1, eff. Oct. 01, 2004.]

**Historical and Statutory Notes**

**Derivation:**

Title 16, § 4–108, added by NCA 89–148, § 102, and repealed by NCA 04–131, § 1.

scribed the selection of the Lighthorse Chief, was added by NCA 89–148, § 102; amended by NCA 95–78, § 103; and repealed by NCA 04–131, § 1.

**Former sections:**

Former § 4–102, which specified the composition of the Lighthorse Commission and de-

**Cross References**

Juvenile adjudication not to disqualify from employment or office, see Title 6, § 1–404.

**Library References**

Indians ⇨210, 224.  
 Westlaw Topic No. 209.  
 C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 4–103. Appointment/oath**

All Lighthorse Administration employees shall be required to take an oath pledging to uphold all laws of the Muscogee (Creek) Nation and its Constitution. The oath of office for all police officers shall be given by a Justice of the Supreme Court or the District Court Judge before the officer may take office.

[Added by NCA 04–131, § 1, eff. Oct. 01, 2004.]

**Historical and Statutory Notes**

**Derivation:**

Title 16, § 4–103, added by NCA 89–148, § 104, and repealed by NCA 04–131, § 1.

**Library References**

Indians ⇨210.  
 Westlaw Topic No. 209.  
 C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 4–104. Personnel**

All personnel employed at the enactment of this law by the Lighthorse Administration shall retain their accrued employee benefits and entitlements such as, but not limited to: sick and annual leave, pension and medical benefits. After assessments are made, positions and titles may be reassigned.

[Added by NCA 04–131, § 1, eff. Oct. 01, 2004.]

**Historical and Statutory Notes****Derivation:**

Title 16, § 4–104, added by NCA 89–148, § 103 and repealed by NCA 04–131, § 1.

**Library References**

Indians ⇄210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 4–105. Policies and procedures**

All Lighthorse Administration employees shall abide by the policies and procedures of the Muscogee (Creek) Nation and shall additionally abide by policies and procedures of the Lighthorse Administration. Policies and procedures of the Lighthorse Administration shall be submitted to the National Council for approval by Tribal Resolution, after review by the Lighthorse Chief and Attorney General, within ninety (90) days of date of enactment of this chapter. Amendments to the Lighthorse Administration policies and procedures shall be reviewed by the Lighthorse Chief and Attorney General and then submitted to the National Council for approval by Tribal Resolution.

[Added by NCA 04–131, § 1, eff. Oct. 01, 2004, amended by NCA 05–097, § 1 approved June 8, 2005.]

**Historical and Statutory Notes****Derivation:**

Title 16, § 4–105, added by NCA 89–148, § 103 and repealed by NCA 04–131, § 1.

**Cross References**

Judicial Branch, jurisdiction, see Title 27, § 1–102.

**Library References**

Indians ⇄210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 4–106. Lighthorse Chief**

**A. Duties.** In addition to the same powers and duties of the Lighthorse Police, the Lighthorse Chief shall be in charge of the Lighthorse Administration. The Lighthorse Chief shall hire a Lighthorse Deputy Chief of Police and a Deputy Chief of Special Operations and a Lighthorse Game Ranger, each of whom shall report directly to the Lighthorse Chief. The Lighthorse Chief is authorized to apply for appropriate grants to supplement the Lighthorse Ad-

ministration's budget; provided National Council reviews, evaluates and approves the expenditure of the grant funds.

**B. Qualifications.** The Lighthouse Chief 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 (10) years of experience shall also include at least two (2) years of administrative experience. Preference shall be given to a Creek citizen and then to members of a federally recognized Indian Tribe.

**C. Appointment.** The Lighthouse Chief shall be nominated by the Principal Chief and confirmed by the National Council by Tribal Resolution.

**D. Background Investigations.** Each Lighthouse Chief candidate shall submit to a background investigation conducted by or obtained by the Attorney General's office. The Attorney General shall provide the background investigation report to the Principal Chief prior to nomination. After the Principal Chief's nomination of a candidate is forwarded to the National Council, the Attorney General shall provide the investigation report to the National Council in executive session. The background investigation report shall be confidential and copies of the investigation report shall not be distributed to anyone other than the members of National Council, the Principal Chief, Second Chief or the Attorney General or his/her assistants. Copies of the report shall not be retained after consideration of the nomination. The original report shall be kept in the Office of the Attorney General.

**E. Term; Removal.** The term of office for the Lighthouse Chief shall be five (5) years. The Lighthouse Chief shall be subject to removal from office for gross violations of the Nation's or the Lighthouse Administration's Policies and Procedures; violation of any Tribal, state or federal law; or conduct unbecoming an officer. Removal shall be in accordance with the procedures set out in MCNCA Title 31.

[Added by NCA 04–131, § 1, eff. Aug. 31, 2004; amended by NCA 05–097, § 1, approved June 8, 2005; NCA 05–170, § 1, eff. Sept. 2, 2005.]

#### Historical and Statutory Notes

##### Derivation:

Title 16, § 4–102, added by NCA 89–148, § 102; amended by NCA 95–78, § 103; and repealed by NCA 04–131, § 1.

#### Library References

Indians ⇄210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 4–107. Administrative Assistant to the Lighthouse Chief

The Lighthouse Chief may hire an Administrative Assistant who shall have at a minimum a high school diploma and five (5) years experience in law enforcement in an administrative position. The Administrative Assistant may hire support personnel to assist in his or her duties, subject to approval by the Lighthouse Chief.

[Added by NCA 04–131, § 1, eff. Oct. 01, 2004.]



## Historical and Statutory Notes

**Derivation:**

Title 16, § 4–107, added by NCA 89–148,  
§ 104 and repealed by NCA 04–131, § 1.

## Library References

Indians ⇌210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 4–108. Deputy Chief of Police**

**A. Qualifications.** The Lighthouse Deputy Chief of Police shall have an Associate's Degree in police science or criminal justice plus thirty (30) credit hours towards a Bachelor's Degree. The Deputy Chief of Police shall have seven (7) years of experience in law enforcement, two (2) of which shall be in an administrative position and CLEET certified. The Lighthouse Deputy Chief of Police shall be a sworn police officer.

**B. Duties and powers.** In addition to the duties and powers of Lighthouse Police Officers, the Deputy Chief of Police shall be in charge of and hire all patrol officers subject to approval by the Lighthouse Chief. The Deputy Chief of Police shall organize the police department and establish necessary and appropriate levels of supervisory authority and ranks within the department, subject to the approval of the Lighthouse Chief.

[Added by NCA 04–131, § 1, eff. Oct. 01, 2004.]

## Historical and Statutory Notes

**Derivation:**

Title 16, § 4–108, added by NCA 89–148,  
§ 104 and repealed by NCA 04–131, § 1.

## Library References

Indians ⇌210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 4–109. Deputy Chief of Special Operations**

**A. Qualifications.** The Lighthouse Deputy Chief of Special Operations shall have an Associate's Degree in police science or criminal justice plus thirty (30) credit hours towards a Bachelor's Degree. The Deputy Chief of Special Operations shall have five (5) years of experience in law enforcement, two (2) of which shall be in an administrative position. The Lighthouse Deputy Chief of Special Operations shall be a sworn police officer and CLEET certified.

**B. Duties and powers.** In addition to the duties and powers of Lighthouse Police Officers, the Deputy Chief of Special Operations shall be in charge of and hire all police officers and civilian employees in the following areas:

1. Communications/Dispatch
2. Records
3. Property Room
4. Training

- 5. K–9
- 6. Investigators

The Deputy Chief shall organize the Special Operations Department and establish necessary and appropriate levels of supervisory authority and ranks with the Department, subject to the approval of the Lighthouse Chief.

[Added by NCA 04–131, § 1, eff. Oct. 01, 2004.]

**Historical and Statutory Notes**

**Derivation:**

Title 16, § 4–109, added by NCA 89–148, § 104 and repealed by NCA 04–131, § 1.

**Library References**

Indians ↻210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 4–110. Police officer**

**A. Qualifications.** In order to be qualified for the position of police officer, a person shall be twenty-one (21) years of age and have fifteen (15) hours of college credit and currently be working towards an Associate’s Degree, provided that all officers hired as of May 1, 2007 shall have the two (2) years from date of hire to complete fifteen (15) college credit hours. All police officers shall be CLEET certified within one (1) year from date of employment.

**B. Duties and powers.** Lighthouse Police Officers shall perform the following law enforcement functions within the Muscogee (Creek) Nation’s jurisdiction, including activities authorized by intergovernmental cooperative agreements with other state, federal or Tribal agencies:

- 1. Apprehend and arrest on view or on warrant and bring to justice all Indian violators of Muscogee (Creek) Nation law;
- 2. Apprehend and arrest all persons violating federal and state law if authorized by a Cross-Deputization Agreement and turn them over to the proper authorities;
- 3. Suppress all riots, affrays, and unlawful assemblies that may come to their knowledge, and generally to keep the peace;
- 4. Serve all warrants, writs, executions, and other processes properly directed and delivered to them;
- 5. Carry out all orders of the District Court and the Supreme Court of the Muscogee (Creek) Nation; and
- 6. Perform all duties pertaining to the office of the police officer.

**C. Uniforms.** All police officers, unless in an undercover capacity, shall be clearly identified as Lighthouse Police Officers while on duty or when carrying a firearm in an official capacity. The Lighthouse Chief shall select the uniform to be worn by the Lighthouse Police Officers and furnish each member of the force with the necessary uniforms and arms. Such arms and uniform so furnished shall be carried by each officer and member of the Lighthouse Police

in accordance with policies and procedures of the Department. The uniform of officers and members of the Muscogee (Creek) Nation Lighthouse Police shall bear a distinctive patch, pin or other emblem depicting the seal of the Muscogee (Creek) Nation and flag of the United States.

[Added by NCA 04-131, § 1, eff. Oct. 01, 2004; amended by NCA 05-097, § 1, approved June 8, 2005.]

#### Historical and Statutory Notes

##### Derivation:

Title 16, § 4-103, added by NCA 89-148, § 103, and repealed by NCA 04-131, § 1. Title 16, § 4-104, added by NCA 89-148, § 103 and repealed by NCA 04-131, § 1. Title 16, § 4-106, added by NCA 89-148, § 104 and repealed by NCA 04-131, § 1. Title 16, § 4-111, added by NCA 89-148, § 104 and replaced by NCA 04-131, § 1.

#### Library References

Indians ☞210, 224.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 4-111. Investigators

All investigators shall be under the immediate supervision of the Deputy Chief of Special Operations.

[Added by NCA 04-131, § 1, eff. Oct. 01, 2004; amended by NCA 04-188, § 2, approved Nov. 16, 2004 (repealed by NCA 04-222); NCA 04-222, § 3, approved Dec. 28, 2004.]

#### Historical and Statutory Notes

##### Derivation:

Title 16, § 4-111, added by NCA 89-148, § 104 and repealed by NCA 04-131, § 1.

#### Library References

Indians ☞210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 4-112. Game Ranger

**A. Qualifications.** The Lighthouse Game Ranger shall have an Associate's Degree plus thirty (30) credit hours towards a Bachelor's Degree. The Game Ranger shall have seven (7) years of experience in law enforcement or wildlife conservation, two (2) of which shall be in an administrative position. The Lighthouse Game Ranger shall be a sworn police officer and be CLEET certified within one (1) year of employment.

**B. Powers and Duties.** In addition to the duties and powers of Lighthouse Police Officers, the Game Ranger shall be primarily responsible for enforcing the Muscogee (Creek) Nation Conservation Code, MCNCA Title 23, § 2-101, et. seq.

[Added by NCA 05-170, § 2, eff. Sept. 2, 2005.]

**Historical and Statutory Notes**

**Derivation:** Title 16, § 4–112, added NCA 89–148, § 104; amended by NCA 01–73, § 1; renumbered by NCA 89–148, § 106; amended by NCA 02–030, § 1; and repealed by NCA 04–131, § 1.

**Cross References**

Conservation Code, see Title 23, § 2–101, et seq.

**Library References**

Indians ⇨210, 350. C.J.S. Indians §§ 57 to 59, 66 to 72, 133 to 137.  
Westlaw Topic No. 209.

**§ 4–113. Cross-deputization agreements**

The Lighthorse Chief and/or the Attorney General is authorized to enter into cross-deputization agreements or mutual aid agreements with state and federal law enforcement agencies operating within the jurisdictional boundaries of the Muscogee (Creek) Nation, provided all agreements are reviewed by the Attorney General to ensure there are not attempted waivers of sovereign immunity and that the agreements comply with Tribal and federal law.

[Added by NCA 04–131, § 1, eff. Oct. 01, 2004; amended by NCA 05–170, § 2, eff. Sept. 2, 2005.]

**Historical and Statutory Notes**

**Derivation:** Title 16, § 4–113, added by NCA 93–112, §§ 105, 106; amended by NCA 95–110, §§ 104, 105; and repealed by NCA 04–131, § 1.

**Library References**

Indians ⇨210, 274(2) to 274(5). C.J.S. Indians §§ 57 to 59, 66 to 72, 177 to 188, 191 to 194.  
Westlaw Topic No. 209.

**§ 4–114. Reciprocal agreement authority**

A.<sup>1</sup> The Muscogee (Creek) Nation hereby recognizes any valid concealed carry weapons permit or license issued by another Indian Nation, state or federal government where that government requires:

1. A criminal history records search on each applicant;
2. The prohibition of any person convicted of a felony offense from obtaining a concealed carry weapons permit or license;
3. Competent qualification or training with the firearms to be carried by the person.

Any person entering the political jurisdiction of the Muscogee (Creek) Nation or land owned by the Muscogee (Creek) Nation in possession of a firearm authorized for concealed carry upon the authority of a reciprocal government is authorized to continue to carry a concealed firearm in the Muscogee (Creek) Nation; provided that the license from the issuing authority remains valid. The firearm must be carried fully concealed from detection and view and, upon coming in contact with any Lighthorse Officer of the Muscogee (Creek) Nation, the person must disclose the fact that he or she is in possession of a concealed

firearm pursuant to a valid permit or license issued by a reciprocal government and, upon request, must provide for examination of the permit or license.

[Added by NCA 05–291, § 3, eff. Jan. 5, 2006.]

<sup>1</sup> So in original.

#### Cross References

Carrying concealed weapons, see Title 14, § 2–906.

Carrying weapons in or about buildings located on tribal lands, see Title 14, § 2–907.

#### Library References

Indians ☞ 264, 266, 274(2) to 274(5).

Westlaw Topic No. 209.

C.J.S. Indians §§ 177 to 188, 191 to 194.

### § 4–115. Carrying of concealed weapons by active or retired law enforcement officers

A. Any Muscogee (Creek) Nation, state, municipal or federal law enforcement officer with proper identification may carry a concealed weapon upon Muscogee (Creek) Nation lands.

B. A retired Muscogee (Creek) Nation, state or federal law enforcement officer with proper identification and authorization to carry, may carry a concealed weapon upon Muscogee (Creek) lands. Retired peace officers may in times of great emergency or danger serve to enforce the law, keep the peace or protect the public in keeping with their availability and ability at the request of the Principal Chief.

[Added by NCA 05–291, § 3, eff. Jan. 5, 2006.]

#### Library References

Indians ☞ 210, 264, 274(3).

Weapons ☞ 134.

Westlaw Topic Nos. 209, 406.

C.J.S. Indians §§ 57 to 59, 66 to 72, 177 to 180, 182 to 188, 191 to 194.

### § 4–116. Law enforcement academy agreements or contracts

The Lighthorse Chief and/or Attorney General is authorized to enter into agreements or contracts with Tribal, state or federal law enforcement academies to obtain services, provided all such agreements or contracts are reviewed by the Attorney General to ensure there are no attempted waivers of sovereign immunity and that the agreements or contracts comply with Tribal and federal law.

[Added by NCA 04–131, § 1, eff. Oct. 01, 2004; NCA 05–170, § 2, eff. Sept. 2, 2005.]

#### Library References

Indians ☞ 142(1), 210, 274(2) to 274(4).

Westlaw Topic No. 209.

C.J.S. Indians §§ 11, 37 to 38, 57 to 59, 66 to 72, 177 to 188, 191 to 194.

SUBCHAPTER 2. CONTRACTS WITH  
FEDERAL OR STATE AGENCIES**Section**

- 4–201. Bureau of Indian Affairs.
- 4–202. Bank account.
- 4–203. Approval of grant proposals.
- 4–204. Budget modifications.
- 4–205. Annual audit.
- 4–206. Management of funds.
- 4–207. Cross-deputization agreements.
- 4–208. Law enforcement academy agreements or contracts.

**§ 4–201. Bureau of Indian Affairs**

A. The Purpose of this subchapter with respect to dealing with the Bureau of Indian Affairs of the United States Department of the Interior is a request and resolution by the National Council of the Muscogee (Creek) Nation, the governing body of this Nation, declaring the Law Enforcement Department, Lighthouse Commission, to be the Tribal organization authorized to apply for, negotiate, and execute contracts with said Bureau.

B. The scope of activity shall be the providing of law enforcement and security in accordance with Bureau-approved Law Enforcement Code enacted by the Muscogee (Creek) National Council, laws and adopted state codes, the service of all civil and criminal process, writs, precepts and orders issued by lawful authorities to the Lighthouse Commission directed, and the Lighthouse Commission shall attend upon the courts of this Nation, the Lighthouse Commission shall keep and preserve the peace, quiet and suppress all affrays, riots and unlawful assemblies and insurrections, apprehend and secure any person for felony or breach of the peace, provide the necessary security for the assets and property of this Nation and perform any other duties set out in subchapter 1 of this chapter (Title 16, § 4–101 et seq.). The Law Enforcement Department by and through the Lighthouse Commissioners, in official session and by majority approval shall review and make any amendments prior to execution of the contract. The Bureau should send copies of the contract documents and any correspondence to the Principal Chief, Speaker of the National Council and Law Enforcement Department, Lighthouse Commission, at the Muscogee (Creek) Nation Tribal Complex. The proposed term and date of each contract shall be immediately and in accordance with the applicable Bureau of Indian Affairs regulations. The Law Enforcement Department by and through the Lighthouse Commission shall have authority to access Bureau records under 25 C.F.R. Ch. 1, Section 271.15, to recontract under 25 C.F.R. Ch. 1, Section 271.20, request to revise or amend a contract under 25 C.F.R. Ch. 1, Sections 271.61 and 271.62, to request contract retrocession under 25 C.F.R. Ch. 1, Sections 271.71 and 271.72, to appeal under 25 C.F.R. Ch. 1, Sections 271.81 and 271.82 and to request waivers of regulations under 25 C.F.R. Ch. 1, Section 271.15 (e). The authority granted under this section shall continue in effect until revoked by the National Council of the Muscogee (Creek) Nation as provided by the Constitution.

[NCA 92–15, § 102, approved Jan. 31, 1992.]

**Library References**

Indians ↻112.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 6 to 7.

**§ 4-202. Bank account**

All contract or grant funds received by the Law Enforcement Department shall be deposited into a separate bank account which shall be established by the Controller of the Muscogee (Creek) Nation in a financial institution of the Controller's choice and no grant funds shall be commingled with any other monies. All monies expended shall be only upon the approval and order of the Lighthouse Commission. Expenditures shall follow the usual accounting procedures as set out by the laws of this Nation.

[NCA 92-15, § 103, approved Jan. 31, 1992.]

**§ 4-203. Approval of grant proposals**

All proposals to contract for or apply for grant funds shall require majority approval of the membership of the Lighthouse Commission in official session with recommendations to the National Council for approval.

[NCA 92-15, § 104, approved Jan. 31, 1992.]

**§ 4-204. Budget modifications**

Before the expenditure of any contract or grant funds by the Law Enforcement Department a Lighthouse Commissioner shall meet with the appropriate National Council Committee to determine if modifications or amendments to the Comprehensive Budget of the Muscogee (Creek) Nation are required. Committees shall submit recommendations to the National Council for approval.

[NCA 92-15, § 105, approved Jan. 31, 1992.]

**§ 4-205. Annual audit**

All contract and grant funds received by the Law Enforcement Department shall be included in the annual audit of the Muscogee (Creek) Nation.

[NCA 92-15, § 106, approved Jan. 31, 1992.]

**Cross References**

Audit Law, see Title 37, § 2-601 et seq.

**§ 4-206. Management of funds**

All grant funds shall be managed according to generally accepted accounting procedures.

[NCA 92-15, § 107, approved Jan. 31, 1992.]

**§ 4-207. Cross-deputization agreements**

All cross-deputization agreements with all agencies involved, shall require majority approval of the membership of the Lighthouse Commission in official session.

[NCA 92-15, § 108, approved Jan. 31, 1992.]

**Title 16, § 4-208**

**EXECUTIVE BRANCH**

**§ 4-208. Law enforcement academy agreements or contracts**

All agreements or contracts with federal or state law enforcement academies shall require majority approval of the Lighthouse Commission in official session.

[NCA 92-15, § 109, approved Jan. 31, 1992.]



## CHAPTER 5. OFFICE OF ADMINISTRATION

### Subchapter

1. Communications Services
2. Division of Tribal Affairs
3. Department of Tourism and Recreation

### SUBCHAPTER 1. COMMUNICATIONS SERVICES

#### Section

5-101. Advertising.

#### Historical and Statutory Notes

NCA 92-46, § 101, provides:

“Findings:

“A. Support for community economic development projects and individual tribal entrepreneurs is worthwhile;

“B. The Muscogee Nation News is the official publication of the Muscogee (Creek) Nation;

“C. The Muscogee Nation News is printed monthly and is distributed to approximately

5,000 homes of tribal citizens within the Muscogee (Creek) Nation boundaries;

“D. The Muscogee Nation News could provide advertising space for tribal communities and tribal businesses who wish to market their goods and services to Indians; and

“E. To do so, the Muscogee Nation News would need legislation to allow for commercial display advertising.”

#### § 5-101. Advertising

A. The Muscogee (Creek) Nation communications department is authorized to accept commercial display advertising from any community chartered by the Tribe and individual businesses owned by enrolled Tribal citizens.

B. This authority is limited to commercial display advertising only and does not include classified or personal advertisements.

C. Advertising rates will be determined by the Tribal Communications Department, at various rates each determined by the size of the advertisement, the number of words, graphics (artwork), and the time for its printing.

[NCA 92-46, § 103, approved July 28, 1992.]

#### Cross References

Communications Department Revolving Account, see Title 37, § 2-204.

### SUBCHAPTER 2. DIVISION OF TRIBAL AFFAIRS

#### Section

5-201. Tribal Construction Engineer.

#### Historical and Statutory Notes

NCA 00-69, § 101, provides:

“Findings: The National Council finds that:

“A. A Tribal Construction Engineer position is needed within the Division of Tribal Affairs to direct and oversee building construction projects.

“B. The Position will be responsible to assure that construction projects are developed to federal safety standards and that they meet specific cost limitations.

“C. There is a need for this position to be included annually in the Comprehensive Annual

Budget beginning with the FY 2001 Comprehensive Annual Budget and thereafter.”

**§ 5-201. Tribal Construction Engineer**

The National Council hereby authorizes the Principal Chief to create the position of Tribal Construction Engineer within the Division of Tribal Affairs and include the position in the Comprehensive Annual Budget beginning with the FY 2001 Comprehensive Annual Budget and thereafter.

[NCA 00-69, § 103, approved Aug. 3, 2000.]

**Cross References**

Budget, Tribal Construction Engineer, see Title 37, § 2-127.

**SUBCHAPTER 3. DEPARTMENT OF  
TOURISM AND RECREATION**

**Section**

5-301. Findings.

5-302. Organization of the Department of Tourism and Recreation; purpose.

5-303. Director of Department of Tourism and Recreation; duties; minimum qualifications; salary.

**§ 5-301. Findings**

The National Council finds that:

There is a need for the establishment of a department within the Executive Branch to develop and promote tourism and recreation within the Muscogee (Creek) Nation, to manage and maintain those facilities of the Muscogee (Creek) Nation used for tourism and recreation, and to oversee, manage, direct, and coordinate the activities that encompass the “Creek Festival”; the annual event of the Muscogee (Creek) Nation celebrating its heritage.

[Added by NCA 06-050, § 2, approved March 29, 2006.]

**Library References**

Indians ⇄210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 5-302. Organization of the Department of Tourism and Recreation; purpose**

**A. Organization.** The Department of Tourism and Recreation shall be a separate department within the Executive Branch. The department shall be under the immediate supervision and direction of the Principal Chief.

The Principal Chief delegates as he deems fit to the Director of the Department of Tourism and Recreation the authority to execute contracts in the amount of ten thousand dollars (\$10,000.00) or less, which arise from the activities connected to the Creek Festival.

**B. Purpose.** Promote tourism and recreation, which will contribute to Tribal, local, and the state economy while providing cultural and heritage education, and leisure activities to citizens and visitors.

[Added by NCA 06-050, § 2, approved March 29, 2006.]

#### Library References

Indians ↻210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 5-303. Director of Department of Tourism and Recreation; duties; minimum qualifications; salary

**A. Director.** The Department of the Tourism and Recreation shall be under the direction of the Director, who shall report directly to the Principal Chief, and who shall have the minimum qualifications and duties set forth in Subsections B and C of this section.

**B. Duties.** The Director of the Department of Tourism and Recreation shall have the following duties:

1. Promote the tourism and recreation for the Muscogee (Creek) Nation.
2. Oversight and coordination of the events of the Creek Festival.
3. Develop internal protocols and departmental operations, to be followed by the department in conduction its authorized activities, provided such is consistent with the administrative personnel policies and procedures of the Muscogee (Creek) Nation.
4. Establish a point of coordination and communication for events and activities within the Muscogee (Creek) Nation.
5. Build an effective network with local and state governments and other entities within the tourism and recreation industry.
6. Prepare monthly report of the developments and changes occurring within the department.
7. Prepare an annual budget report and monitor expenditures in accordance with all applicable laws and policies of the Muscogee (Creek) Nation.
8. Arrange repair and maintenance of all facilities and grounds of the Muscogee (Creek) Nation as designated by the Principal Chief as facilities whose main purpose is deemed recreational.
9. Represent the Muscogee (Creek) Nation as needed at related functions, conferences, etc.
10. Create and support an appropriate and strong management team within its subordinates in accordance with Muscogee (Creek) Nation's policy and procedures, which will engage in meeting the purpose of this department.
11. Encourage perspective via comparisons with similar instructions.
12. Seek additional funding to promote tourism within the Muscogee (Creek) Nation from outside sources via grant applications and other sources as available.

**Title 16, § 5-303**

**EXECUTIVE BRANCH**

13. Establish and manage website of events and activities.
14. Schedule any events to be held at the Muscogee (Creek) Nation recreational facilities.
15. Perform other related duties as required,

**C. Minimum qualifications.** The Director shall have a Bachelor's Degree in Marketing, Tourism Management, or Business Administration, and have at least two (2) years experience in a related field.

**D. Salary.** Negotiable.

[Added by NCA 06-050, § 2, approved March 29, 2006.]

## CHAPTER 6. DEPARTMENT OF NAHASDA AND TRIBAL SERVICE PROGRAM PLANNING

### Section

- 6-101. Establishment of Department.  
6-102. Purpose of the Department.  
6-103. Administrator of Department; minimum qualifications; duties; selection procedures.

### Historical and Statutory Notes

NCA 98-131, §§ 101 (as amended by NCA 02-040, § 6), 106, provide:

“Section 101. *Findings*: The National Council finds that:

“A. The Nation has adopted Indian housing plans under the Native American Housing Assistance and Self-Determination Act of 1996 (‘NAHASDA’) [24 U.S.C.A. § 4101 et seq.] and under said plans has designated itself as the ‘recipient’ within the meaning of that term as used in said Act. As a tribal government which has assumed the responsibility for designing and implement housing programs for eligible Indian people within its jurisdictional area, the Nation has an immediate need for an agency staffed with a qualified planner and support personnel capable of performing said functions.

“B. NAHASDA provides the Nation with the funding and authority to develop a housing program which is tailored to address the unique

housing needs of eligible Indian people and families within the Nation’s jurisdictional area.

“C. The Nation conducts various other federal service programs which are designed to address different needs of Indian people within the Nation’s jurisdictional area. There is a need to develop short-and long-term programmatic planning in order to assure that, to the greatest extent feasible, programs are designed and coordinated so as to maximize the Nation’s delivery of quality services to its citizens and other eligible Indian recipients.”

“Section 106. *Severability*

“In the event any provision of this Act is determined by a court of competent jurisdiction to be invalid, the provision determined to be invalid shall be severable from all other provisions of this Act, and all such other provisions shall remain in full force and effect.”

### § 6-101. Establishment of Department

There is hereby established within the Executive Branch, and under the direction of the Principal Chief, the Muscogee (Creek) Nation Department of NAHASDA and Tribal Service Program Planning, and Title 16, § 1-102 is hereby amended accordingly. The Department of NAHASDA and Tribal Service Program Planning shall be responsible for (1) developing Indian housing plans in accordance with the provisions of NAHASDA<sup>1</sup> and applicable federal regulations adopted thereunder, and (2) subject to the availability of funds and appropriations by the National Council, develop or assist in the development and coordination of plans for other service programs conducted by the Muscogee (Creek) Nation. The Department shall be under the direction and control of an Administrator employed pursuant to Title 16, § 6-103.

[NCA 98-131, § 103, approved Dec. 28, 1998.]

<sup>1</sup> 25 U.S.C.A. § 4101 et seq.

### Library References

Indians ⇄227.  
Westlaw Topic No. 209.  
C.J.S. Indians § 76.

### Code of Federal Regulations

Native American housing assistance, see 24 CFR 1000.1 et seq.

**§ 6-102. Purpose of the Department**

The Department of NAHASDA and Tribal Service Program Planning shall carry out the Nation's planning activities under NAHASDA,<sup>1</sup> including without limitation assessing Indian housing needs and problems within the Nation's jurisdictional area and developing Indian housing plans on a timely basis in accordance with the provisions of NAHASDA. Subject to the availability of funds and appropriations by the National Council, the Department shall also provide planning services for other Tribal programs, including (1) the research and development of grant proposals and applications to governmental agencies and private foundations, and (2) to the fullest extent feasible, and subject to applicable federal laws and regulations, the coordination of grant programs, services and activities in order to achieve the maximum benefits to citizens and other eligible Indian recipients and to make the most efficient use of the Nation's resources.

[NCA 98-131, § 104, approved Dec. 28, 1998.]

<sup>1</sup> 25 U.S.C.A. § 4101 et seq.

**Library References**

Indians ⇄227.  
Westlaw Topic No. 209.  
C.J.S. Indians § 76.

**Code of Federal Regulations**

Native American housing assistance, see 24 CFR 1000.1 et seq.

**§ 6-103. Administrator of Department; minimum qualifications; duties; selection procedures**

**A. Administrator of Department.** The Department of NAHASDA and Tribal Service Program Planning shall be under the direction and control of an Administrator, who shall answer directly to the Principal Chief and who shall have the minimum qualifications and duties set forth in subsections B and C of this section.

**B. Minimum qualifications.** The Administrator of the Department shall have at least a Bachelor's Degree from an accredited four-year college or university and shall also have some work experience or education in any of the following areas: urban planning, rural development, Tribal planning or economic development, housing authority administration, business administration or business management.

**C. Duties.** The Administrator of the Department shall have the following duties:

1. In accordance with the provisions of NAHASDA,<sup>1</sup> the regulations adopted thereunder and any agreement between the Nation and any entity or agency regarding housing program activities, perform, cause to be performed or participate in performing all planning activities and functions required under NAHASDA, including preparation or assisting in the preparation of Indian housing plans, presenting such plans to the Administration and National Council for review and approval, and timely filing same with the United States Department of Housing and Urban Development;

2. Perform or cause to be performed surveys or assessments of the housing needs and problems of Indian people within the Nation's jurisdictional area who are eligible to receive housing assistance under NAHASDA<sup>1</sup> and applicable federal regulations;

3. Design and plan affordable housing activities authorized by NAHASDA<sup>1</sup> which address the special housing needs and problems of citizens and other eligible Indian people within the Nation's jurisdictional area;

4. Subject to the availability of funds and appropriations of the National Council, perform or cause to be performed planning services for other programs conducted by the Muscogee (Creek) Nation, and for such programs prepare or assist in the preparation of grant proposals and applications to governmental agencies or private foundations;

5. To the extent feasible and subject to applicable federal and Tribal laws and availability of funds, prepare or assist in the preparation of Tribal program plans so as to coordinate program activities and services in order to enhance the quality and efficiency of services and activities;

6. To the extent feasible and appropriate, coordinate the Department's programs and activities with programs of federal, state and local governments;

7. Supervise, oversee and direct the personnel and support staff of the Department in accordance with the Nation's policies and procedures;

8. Develop internal protocols, policies and procedures to be followed by the Department in conducting its authorized activities, provided that such protocols, policies and procedures shall not be inconsistent with the administrative and personnel policies and procedures of the Nation;

9. Report to and advise the Principal Chief and National Council as to all activities of the Department;

10. Appear before the National Council or any Committee of the National Council, whenever so requested by the Speaker, and at that time report or give information on, and respond to inquiries about, any of the activities of the Department, subject only to applicable federal or Tribal confidentiality laws; and

11. At all times exercise independent judgment, and administer and manage the activities and expenditures of the Department in accordance with all applicable laws, including the laws and policies of the Muscogee (Creek) Nation.

**D. Procedures for selection and hiring of Administrator.** The Administrator of the Department shall be selected and hired by the Principal Chief in accordance with the following procedures, which shall be followed in filling the vacancy existing at the time of the adoption of this act and any future vacancies in said position:

1. The Office of Personnel Services shall advertise the position of the Administrator in one or more newspapers of general circulation within the jurisdiction of the Muscogee (Creek) Nation, setting forth a brief description of the duties of the position and a statement of Indian preference, and shall otherwise give notice of the position in accordance with the procedures of said

Office. The Office of Personnel Services shall initiate the advertising and the giving of notice in accordance with this paragraph as soon as practicable after any vacancy in said position exists or occurs.

2. The Office of Personnel Services shall screen all applicants in accordance with the Nation's personnel policies and shall identify in writing and recommend to the Principal Chief all candidates for the position of Administrator who meet the minimum qualifications set forth in subsection B of this section. The list of the names of such qualified candidates, their application forms and any evidence of their qualifications shall be furnished to the Principal Chief for his review.

3. The Principal Chief shall select from the list of qualified candidates furnished by the Office of Personnel Services not less than three (3) candidates which he determines to be the most qualified for the position and shall forward their names and copies of their applications and evidence of qualifications to the Speaker of the National Council, who shall distribute copies of said materials to Chairperson of the Committee of jurisdiction, who in turn shall place the matter on the agenda of the Committee's next meeting. No candidate shall be referred to the Council or otherwise considered for the position of Administrator unless he or she meets the minimum qualifications set forth in subsection B of this section. If Personnel Services identifies and recommends less than three (3) qualified candidates, then the Principal Chief may forward the list of less than three (3) candidates, applications and qualifications to the Speaker or he may, instead, request the Office of Personnel Services to readvertise the position in accordance with paragraph 1 of this subsection in order to increase the number of qualified candidates.

4. At the next monthly or special meeting of the Committee next following the submittal of qualified candidates and supporting materials, the Committee of jurisdiction shall review the applications and evidence of qualifications of all candidates forwarded to it. The Committee may request any or all such candidates to appear before it at such meeting and respond to questions in order to verify that all candidates referred to the Committee meet the minimum qualifications set forth in subsection B of this section. The Committee may recommend any one candidate to the Principal Chief for employment but shall not be required to do so.

5. After the Committee of jurisdiction has had an opportunity to review the qualifications of submitted candidates in accordance with the foregoing paragraphs, the Principal Chief shall select from the names submitted to the Committee the candidate who, in the Principal Chief's judgment, is the most qualified for the position, giving due regard and weight to the Committee's recommendation, if any; provided, however, that Indian preference shall be given and provided further that if any two or more of the most qualified candidates are Indian and are equally qualified, and one is a citizen, then preference in hiring shall be given to the citizen.

[NCA 98-131, § 105, approved Dec. 28, 1998.]

<sup>1</sup> 25 U.S.C.A. § 4101 et seq.



**NAHASDA & TRIBAL SERVICE PROGRAM**

**Title 16, § 6-103**

**Library References**

Indians ↻227.  
Westlaw Topic No. 209.  
C.J.S. Indians § 76.

**Code of Federal Regulations**

Native American housing assistance, see 24 CFR 1000.1 et seq.

## CHAPTER 7. REINTEGRATION CODE

### Section

- 7-101. Short title.
- 7-102. Purpose.
- 7-103. Definitions.
- 7-104. Establishment of the Muscogee (Creek) Nation Reintegration Department.
- 7-105. Reintegration Department staff.
- 7-106. Eligibility for services; permanent files; individual assessments; preparation of documents.
- 7-107. Pre-release services.
- 7-108. Post-release services.
- 7-109. Reports.
- 7-110. Authorization.

### § 7-101. Short title

This Act shall be entitled the Reintegration Code and shall be codified as Chapter 7 in Title 16, “Executive Branch”, of the Code of Laws of the Muscogee (Creek) Nation.

[Added by NCA 07-129, § 5, eff. May 23, 2007.]

#### Historical and Statutory Notes

##### Derivation:

Title 22, § 8-101, added by NCA 04-155, § 2.

#### Library References

Indians ⇌210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 7-102. Purpose

The purpose of this Act is to establish the Muscogee (Creek) Nation Reintegration Department, which will provide vital services to citizens currently incarcerated or released from in-state penal or juvenile institutions and provide protection to society through the control and rehabilitation of these individuals.

[Added by NCA 07-129, § 5, eff. May 23, 2007.]

#### Historical and Statutory Notes

##### Derivation:

Title 22, § 8-102, added by NCA 04-155, § 2.

#### Library References

Indians ⇌210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 7-103. Definitions

For purposes of this chapter, the following words shall have the following meanings:

A. “Applicant” means a person who has applied for services provided by the Reintegration Department.

B. “Case Managers” means the Case Managers of the Muscogee (Creek) Nation Reintegration Department.

C. “Coordinator” means the Coordinator of the Muscogee (Creek) Nation Reintegration Department.

D. “Reintegration Department” means the Muscogee (Creek) Nation Reintegration Department.

E. “Service Recipient” means a person who is eligible for and who receives services provided by the Reintegration Department.

[Added by NCA 07–129, § 5, eff. May 23, 2007.]

#### Historical and Statutory Notes

##### Derivation:

Title 22, § 8–103, added by NCA 04–155, § 2.

#### Library References

Indians ⇄210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 7–104. Establishment of the Muscogee (Creek) Nation Reintegration Department

The Muscogee (Creek) Nation Reintegration Department is hereby established under the Muscogee (Creek) Nation Tribal Administration under the Division of Human Development.

[Added by NCA 07–129, § 5, eff. May 23, 2007.]

#### Historical and Statutory Notes

##### Derivation:

Title 22, § 8–104, added by NCA 04–155, § 2.

### § 7–105. Reintegration Department staff

**A. Minimum staff requirements.** The Reintegration Department shall be administered by a Coordinator who shall report directly to the Director of the Division of Human Development. Additional staff of the Reintegration Department shall include a Case Manager for female Service Recipients, a Case Manager for male Service Recipients and a Secretary, who shall report directly to the Coordinator.

**B. Coordinator; qualifications; duties.** The Coordinator shall have at a minimum a Bachelor’s Degree in sociology, psychology, criminology or social work from an accredited college or university, and shall perform the following duties: plan, implement and administer the Reintegration Department treatment program and its services; and hire and supervise Reintegration Department staff.

**C. Case Managers; qualifications; duties.** The Case Managers shall have at a minimum a Bachelor’s Degree in social work or four (4) years of work experience related to parole supervision or counseling, and shall perform duties described in this chapter and in the Case Manager’s job description and such duties as assigned by the Coordinator.

[Added by NCA 07–129, § 5, eff. May 23, 2007.]

## Historical and Statutory Notes

**Derivation:**

Title 22, § 8-105, added by NCA 04-155, § 2.

**§ 7-106. Eligibility for services; permanent files; individual assessments; preparation of documents**

**A. Eligibility.** Citizens of the Muscogee (Creek) Nation incarcerated in or released from in-state penal and juvenile institutions shall be eligible for the services provided by the Reintegration Department, excluding Tribal citizens on death row or serving life sentences without the possibility of parole. Persons may be referred to the Reintegration Department on an individual case-by-case basis as needed during the Service Recipient's pre-release period and/or post-release period. Reintegration Department staff shall counsel, interview and evaluate applicants for Reintegration Department services and confer with medical and professional personnel to determine if the applicant has any type or degree of handicap or disability. Reintegration Department staff shall evaluate each applicant to ensure that acceptance for Reintegration Services is appropriate based on the eligibility criteria provided in this subsection and any additional written eligibility criteria established by the Reintegration Department and approved by the Deputy Director of Human Development. The Reintegration Department shall provide the services described in this chapter to Service Recipients during the Service Recipient's pre-release or post-release period, as appropriate. The Reintegration Department may refer applicants who are not eligible for its services to other appropriate agencies whenever possible.

**B. Permanent file; individual assessments; preparation of documents.** Reintegration Department Staff shall prepare, organize and process all required documents for the applicant and Service Recipient. A permanent file shall be established containing applications of persons who have been denied services. A separate permanent file shall be established for each Service Recipient. Reintegration Department staff shall prepare individual assessments for Service Recipients for Reintegration Department services. The "Assessment/Referral Form" shall be placed in the Service Recipient's permanent file for purposes of follow-up.

[Added by NCA 07-129, § 5, eff. May 23, 2007.]

## Historical and Statutory Notes

**Derivation:**

Title 22, § 8-106, added by NCA 04-155, § 2.

**§ 7-107. Pre-release services**

**A. Diagnosis and counseling.** The Reintegration Department shall provide the necessary services to screen Service Recipients, diagnose problem behaviors and provide remedial and therapeutic counseling, which may include group counseling. When necessary, the Reintegration Department shall refer Service Recipients to individuals specializing in particular types of disabilities, such as mental illness, alcohol abuse, hearing and vision impairment. Reintegration Department staff shall provide for the care and custody of Service

Recipients during counseling sessions, when they are confined pursuant to lawful authority. Reintegration Department staff shall assist the Service Recipient with personal adjustments throughout the treatment program. Reintegration Department staff shall evaluate Service Recipient progress by engaging in Service Recipient-specific research, interviewing the Service Recipient and professional sources and other necessary follow-up activities.

**B. Program information and parole hearings.** The Reintegration Department shall distribute program information and literature to applicants and Service Recipients, service agencies and the public for the purpose of promoting the Reintegration Department treatment program functions. An employee of the Reintegration Department shall serve as a delegate for the Service Recipient at parole hearings, including speaking on the Service Recipient's behalf when determined appropriate by the Coordinator.

**C. Family counseling and visitation.** The Reintegration Department shall provide counseling to family members of incarcerated Service Recipients. Reintegration Department staff shall set up home visits with paroled Service Recipients and their families, assist family members in scheduling visits to in-state Correctional Facilities to visit their incarcerated family member who is a Service Recipient and provide transportation to in-state facilities when necessary, subject to the availability of funds.

**D. Education and supervision.** The Reintegration Department shall provide educational counseling to Service Recipients, when necessary. Reintegration Department staff shall be responsible for the supervision of Service Recipients while attending Reintegration Department events at in-state penal and juvenile institutions.

**E. Seminars.** The Reintegration Department shall conduct reintegration seminars to Service Recipients on a bi-monthly basis at in-state penal and juvenile institutions. The purpose of the seminars shall be to provide information and instruction on issues such as preparing the Service Recipient for the job search, available community resources, continuing education, obtaining identification and other pre-release issues that may arise. Reintegration Department staff shall coordinate with in-state penal and juvenile institutions to establish seminar schedules; arrange for the provision of adequate and appropriate space at the institution for seminars; prepare attendance schedules and notices of seminars; secure written assurances that the in-state penal or juvenile institution will ensure that appropriate referrals are made and the Service Recipients are advised of the purpose, time and location of each seminar and secure assurances that the penal or juvenile institution will excuse any Service Recipient attending the reintegration seminar from work assignments and other facility obligations. Service Recipients attending the reintegration seminar are not permitted to leave the seminar for court or any other purpose, except in an emergency situation.

**F. Community resource development.** Reintegration Department staff shall develop community resources for services to Service Recipients. Services to be developed include education and training, health, dental, housing, food, clothing, child care, mental health, substance abuse prevention and employment. Reintegration Department staff shall assist and refer Service Recipients to the

appropriate Muscogee (Creek) Nation program to insure that they have appropriate support upon their release. Assistance from other organizations shall also be sought, when necessary, due to distance of the Service Recipient from available Muscogee (Creek) Nation resources, unavailability of a type of service needed by the Service Recipient or other factors.

**G. Release status records.** Reintegration Department staff shall keep and update the following lists on a monthly basis:

1. Service Recipients not eligible for early release who are within ninety (90) days of release;
2. Service Recipients who are eligible for early release and are within one (1) year of release;
3. Service Recipients recommended for parole or pre-parole conditional supervision; and,
4. Service Recipients classified to work release status.

[Added by NCA 07-129, § 5, eff. May 23, 2007.]

**Historical and Statutory Notes**

**Derivation:**

Title 22, § 8-107, added by NCA 04-155, § 2.

**§ 7-108. Post-release services**

**A. Post-release employment.** Reintegration Department staff shall plan and make arrangements for the Service Recipient to study and/or train for job placement; promote and establish employment positions for the unemployed Service Recipients re-entering society and place qualified Service Recipients in employment; gather and distribute employment and job training information; make recommendations to particular individuals and/or agencies based upon the Service Recipient's desire and aptitude, and report if the Service Recipient has any physical, mental and/or emotional limitations; and provide medical and/or social services during job training, when necessary.

1. In accordance with the Immigration Reform and Control Act of 1986<sup>1</sup>, proper identification must be available to employers. Reintegration Department staff shall assist in the procurement of proper identification of Service Recipients for employment purposes.

2. Service Recipients incarcerated in a minimum security penal institution shall obtain a certified copy of their birth certificate and social security card before leaving the institution. If a valid drivers license or state issued identification card is in the Service Recipient's file, it is not necessary to obtain the birth certificate.

3. Service Recipients incarcerated in non-minimum security penal or juvenile institutions shall have a state issued identification card or a current driver's license in addition to a social security card. This identification shall be obtained prior to the Service Recipient being classified to work release status.

4. Funds to acquire the necessary identification shall be taken from the draw account in the Service Recipient's trust fund or the institution's indigent fund account.

**B. Post-release referrals to community resources.** Reintegration Department staff shall address as many needs as possible prior to a Service Recipient leaving an in-state penal or juvenile institution. The Service Recipient shall then be referred to the appropriate Muscogee (Creek) Nation program or community resources to meet the identified needs. These needs may include, but are not limited to, education and training, health, dental, housing, food, clothing, child care, mental health, substance abuse prevention and employment.

**C. Post-release referrals for housing.**

1. Reintegration Department staff shall assist Service Recipients in need of housing through interviewing the Service Recipient, contacting family and friends and seeking assistance from available community resources. When housing cannot be secured through these resources, Reintegration Department staff shall ensure that a housing referral is made to the reintegration specialist at the institution ninety (90) days prior to the Service Recipient leaving the facility.

2. Reintegration Department staff shall complete a "Housing Referral Form," along with a copy of the Consolidated Record Card and forward this to the reintegration specialist at the institution.

a. If recommended for pre-parole conditional supervision, Reintegration Department staff shall complete and submit a "Housing Referral Form," a copy of the "Oklahoma Department of Corrections Request for Record (DOC Form 020006)," and a copy of the "Consolidated Record Card" to the reintegration specialist at the institution when the recommendation is made.

b. For purposes of parole, referrals shall be made to the reintegration specialist at the institution immediately upon a housing need being identified so that this information can be utilized in preparing the parole program.

3. Reintegration Department staff shall notify the reintegration specialist at the institution of any change in the Service Recipient's status, i.e., change in security, secured other housing, misconducts, transfers or any other change.

4. Reintegration Department staff shall request from the reintegration specialist at the institution to review the referral form and, after verification of eligibility, determine appropriate placement.

5. Reintegration Department staff shall request the reintegration specialist at the institution to notify Reintegration Department staff of any housing assignment.

6. Upon being notified of housing verification, Reintegration Department staff shall review the placement with the Service Recipient with special emphasis given to rules, regulations and conditions of the housing facility.

7. Reintegration Department staff shall maintain a copy of the "Housing Referral Form" until notification by the reintegration specialist at the institution that housing has been secured. Reintegration Department staff shall maintain records of all housing placements and include this information in monthly reports.

8. Funds required to secure housing prior to release shall be taken from the Service Recipient’s draw account.

9. For a Service Recipient who loses approved housing and is presently on pre-parole conditional supervision or parole, Reintegration Department staff shall assist the Service Recipient in locating housing.

**D. Preventative activities.** The Reintegration Department shall provide “Speak Out” tours to various in-state correction facilities for Tribal youth and students and give lectures at Tribal and state schools within the Nation’s jurisdictional boundaries or by individual request.

[Added by NCA 07–129, § 5, eff. May 23, 2007.]

<sup>1</sup> See 8 U.S.C.A. §§1324a, 1324b.

**Historical and Statutory Notes**

**Derivation:**

Title 22, § 8–108, added by NCA 04–155, § 2.

**§ 7–109. Reports**

Reintegration Department staff shall prepare Service Recipient treatment program reports to the probation officer of Muscogee (Creek) Nation District Court or the parole or probation officer of the appropriate state court, and prepare and compile statistical data of Reintegration Department program activities, excluding confidential information, to the National Council, when requested.

[Added by NCA 07–129, § 5, eff. May 23, 2007.]

**Historical and Statutory Notes**

**Derivation:**

Title 22, § 8–109, added by NCA 04–155, § 2.

**§ 7–110. Authorization**

The annual appropriation for the operation of the Muscogee (Creek) Nation Reintegration Department shall be included in the Comprehensive Annual Budget for the Division of Human Development under the Tribal Administration beginning with FY 2007 and annually thereafter.

[Added by NCA 07–129, § 5, eff. May 23, 2007.]

**Historical and Statutory Notes**

**Derivation:**

Title 22, § 8–110, added by NCA 04–155, § 3.



## CHAPTER 8. OFFICE OF THE SECRETARY OF THE NATION

### Section

- 8-101. Office of the Secretary of the Nation.
- 8-102. Qualifications and salary.
- 8-103. Duties and responsibilities.

### § 8-101. Office of the Secretary of the Nation

A. There is hereby established the Office of the Secretary of the Nation within the governmental structure of the Muscogee (Creek) Nation, the head of which shall be the Secretary of the Nation, appointed by the Principal Chief, confirmed by the National Council for the term of his/her appointment and removable by two-thirds (2/3) vote of the National Council.

B. The Secretary of the Nation shall be a cabinet-level position and an appointed office of the Muscogee (Creek) Nation. The Secretary of the Nation shall be required to take an oath to uphold the Constitution of the Muscogee (Creek) Nation.

[Added by NCA 07-108, § 3, eff. May 3, 2007.]

#### Library References

Indians ⇌210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 8-102. Qualifications and salary

A. Qualifications. The position of the Secretary of the Nation shall have the following minimum qualifications:

1. Individual must possess one of the following specialized degrees or certifications: Juris Doctorate, Master of Business Administration, Master's Degree in Finance, Master's Degree in Public Administration or Doctor of Philosophy in Business Administration;
2. Individual must be a Muscogee (Creek) Nation citizen;
3. Individual shall have no previous felony convictions and must be in good standing with all accredited institutions associated with his/her field of study or profession.

B. The position of the Secretary of the Nation shall be paid at a rate that is ninety-five percent (95%) of the salary of the Principal Chief of the Muscogee (Creek) Nation.

[Added by NCA 07-108, § 3, eff. May 3, 2007.]

#### Library References

Indians ⇌210, 216.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 8–103. Duties and responsibilities**

A. The Office of the Secretary of the Nation shall be the office of primary responsibility for all entities and person seeking to do business with the Muscogee (Creek) Nation. The Secretary of the Nation shall coordinate all activities associated with Titles 3 and 3A—Corporations and Partnerships of the Muscogee (Creek) Nation Code Annotated, including but not limited to, the Partnership Act, Limited Partnership Act, General Corporation Act and Limited Liability Act. The Secretary of the Nation shall also coordinate all activities associated with Title 33 Uniform Commercial Code.

B. The Secretary of the Nation shall monitor the storage and use of the Great Seal of the Muscogee (Creek) Nation.

C. The Secretary of the Nation shall perform protocol functions for the Office of the Principal Chief and shall conduct negotiations with outside entities on behalf of the Muscogee (Creek) Nation when needed.

D. The Secretary of the Nation shall serve as the principal advisor to the Principal Chief and shall be responsible for the overall direction, coordination and supervision of the Executive Office’s social and economic policy.

E. The Office of the Secretary of the Nation shall be the lead governmental agency responsible for the attraction and encouragement of commerce with businesses in and outside the Muscogee (Creek) Nation.

F. The Secretary of the Nation shall perform additional duties not clearly delineated in this section as determined by the Principal Chief of the Muscogee (Creek) Nation.

[Added by NCA 07–108, § 3, eff. May 3, 2007.]

**Library References**

Indians ↻210, 216.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.