



RECONSIDERATION OF NCA 11-206 AFTER VETO

I, the undersigned, certify that the foregoing "Reconsideration of NCA 11-206 After Veto" is a true extract from the, December 17, 2011, Regular Session, Journal of the Muscogee (Creek) National Council.

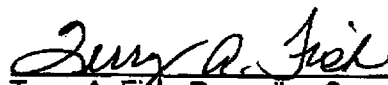
AND THAT, NCA 11-206 entitled, **A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 30, CHAPTER 4, ENTITLED "Compensation of National Council"** was presented to the National Council and was approved in Regular Session on December 17, 2011 by a vote of 22 in favor, 2 against, 0 abstention.

AND THAT, Said legislation was returned as a Veto with objections by the Principal Chief on, December 30, 2011 and said objections have been entered at large in the Journal of the Muscogee (Creek) National Council;

AND THAT, The National Council taking action reconsider the Bill to **OVER-RIDE THE VETO** at the Quarterly Session on January 28, 2012, in accordance with the Constitution, Article VI, Section 6(a), requires a (2/3) vote of the full membership, which consists of Seventeen members;

AND THAT, The record of vote reflects there were Fourteen present with a vote of 14 in favor, 0 against;

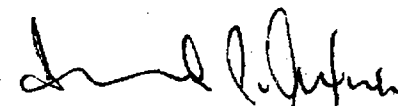
THEREFORE, BE IT KNOWN, under Article VI., Section 6. (a) of the Muscogee (Creek) Nation Constitution, NCA 11-206 is hereby recorded as a "VETO OVER-RIDE" on this 28th day of January 2012.



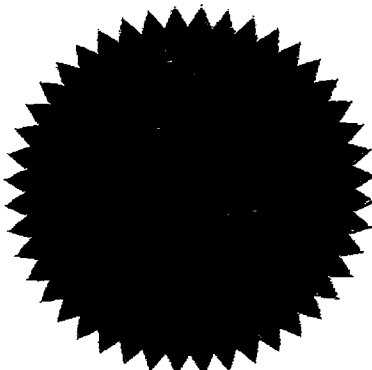
Terry A. Fish, Recording Secretary
National Council
Muscogee (Creek) Nation

CERTIFICATION OF APPROVAL

IN WITNESS WHEREOF, I, the Presiding Officer of the Muscogee (Creek) National Council have hereto attached my signature this 30th day of January 2012.



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





Muscogee (Creek) Nation

PRINCIPAL CHIEF

A.D. Ellis

SECOND CHIEF

Alfred Berryhill

OFFICE OF THE PRINCIPAL CHIEF

PO Box 580

(HWY 75, Loop 56)

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December 30, 2011

Muscogee (Creek) National Council
Honorable Speaker Barnett

Dear Speaker Barnett:

I am returning NCA 11-206 herewith:

A MESSAGE OF THE PRINCIPAL CHIEF RETURNING NCA 11-206 TO THE NATIONAL COUNCIL AS A VETO WITH OBJECTIONS

In accordance with the Constitution of the Muscogee (Creek) Nation, I, A. D. Ellis, Principal Chief of the Muscogee (Creek) Nation, do hereby return NCA 11-206, entitled "A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 30, CHAPTER 4, ENTITLED "Compensation of National Council" as a VETO with the following objections:

OBJECTION ONE: NCA 11-206 raises the compensation of the National Council at a time of economic hardship for the Nation and its citizens. Other employees of the Nation are losing their jobs and not receiving raises because of budget restrictions. Elected officials of the Nation should not be immune to the same economic realities faced by other citizens.

OBJECTION TWO: The National Council in NCA 11-206 is attempting to pay its members fringe benefits as if they are full-time employees. This expense is not included in the FY 2012 Comprehensive Annual Budget and NCA 11-206 is silent as to the overall cost and source of funding of this legislation.

For the reasons outlined above, NCA 11-206 is hereby returned as a VETO.

Sincerely,

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

ADE/vb

RECEIVED

DEC 30 2011

National Council Office

DATED: December 30, 2011

VETO OVERRIDE



NCA 11-206

CLASSIFICATION: #30. National Council/Legislative Branch

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 30, CHAPTER 4, ENTITLED "Compensation of National Council"

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

SECTION ONE. FINDINGS. The National Council finds that:

A. The responsibilities of each National Council Representative have dramatically increased because of the recent reduction to the National Council, and each Representative must evenly spread his and her accessibility to the entire citizenship of the Muscogee (Creek) Nation rather than focusing on his or her own district. These time requirements will be further demanding than the already demanding nature of service.

B. In addition, business opportunities presented to the Nation often require the National Council's immediate attention so that opportunities are adequately reviewed to determine if they are best suited for the Nation. Business opportunities are time sensitive and it's critical to have National Council support to further these business relationships.

C. The last increase in compensation for National Council Representatives was six (6) years ago, even though the Nation's issues continue to be more complex and the rapid changing economy has dictated a dire need for a change in the working habits and dealings of each National Council representative. By providing fringe benefits for National Council Representative, the compensation package would be more compatible for the range of responsibilities for representing one of the largest tribes in the United States.

D. Any individual member of the National Council may elect to not accept fringe benefits by submitting a written notification to the Speaker of the National Council.

SECTION TWO. AMENDMENT. This amendment shall be codified in Title 30, Chapter 4, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby

authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION THREE. AMENDMENT. MCNCA Title 30, § 4-101 is hereby amended to read as follows:

§4-101. National Council compensation classification structure and salary schedule

A. ~~Effective October 1, 2005,~~ ~~†~~The National Council compensation classification structure and salary schedule is hereby established as follows:

POSITION	ANNUAL SALARY
Speaker	\$65,000.00

The compensation for the Speaker of the National Council shall be established at a salary of Sixty-Five Thousand Dollars (\$65,000.00) per year during the term for which he/she shall serve with specific and defined duties. The individual holding this position shall not be employed in any full-time position outside the Legislative Branch of the Muscogee (Creek) Nation.

1. ~~Effective October 1, 2005,~~ ~~†~~The compensation for National Council Members including Second Speaker shall be Thirty -Five Thousand and No/100 Dollars (\$35,000.00).

Second Speaker	\$35,000.00 Annually
Members	\$35,000.00 Annually

B. The salary indicated in Section 4-101. A. is considered to be compensation for services rendered by National Council members including legislative work, meetings of the National Council, committee meetings of the National Council, attendance at workshops and conferences, and any or other services provided by members of the National Council.

C. **Speaker, Second Speaker, and National Council Members shall be paid fringe benefits at the same rate as Tribal employees in accordance with the personnel policy of the Muscogee (Creek) Nation.**

D. Any individual member of the National Council may elect to accept a smaller amount provided in the compensation salary schedule and/or elect to not receive fringe benefits by submitting a written notification to the Speaker of the National Council.


E. All individual members of the National Council shall be required to complete a federal W-4 form to comply with the necessary federal tax reporting requirements and shall be issued a W-2 form for each calendar tax year they receive compensation from the Muscogee Nation.

~~The compensation paid to the members of the National Council shall become a part of the Comprehensive Annual Budget annually thereafter, beginning with Fiscal Year 2006.~~

SECTION FOUR. EFFECTIVE DATE. This law shall become effective on January 1, 2012.

ENACTED by the Muscogee (Creek) National Council on this 17th day of December 2011.

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



Roger Barnett, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of twenty-six members with Twenty-five members attending this meeting on the 17th day of December, 2011 and that the above is in conformity with the provisions therein adopted by a vote of 22 in favor, 2 against, 0 abstention, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



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

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this _____ day of _____, 2011, to the above Law, **NCA 11-206** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

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

