



**NCA 13-045, RETURNED UNSIGNED**

I, the undersigned, certify

**THAT,** "NCA 13-045" entitled A LAW OF THE MUSCOGEE (CREEK) NATION CLARIFYING COMMISSIONS TO FILL VACANCIES, AND PROVIDING STRUCTURE AND GUIDELINES was enacted by the National Council in Regular Session on the 23<sup>rd</sup> day of February, 2013, by a vote of 16 in favor, 0 against, 0 abstentions.

**AND THAT,** on February 27, 2013, said Law was presented to the Principal Chief for approval.

**AND THAT,** on March 11, 2013, NCA 13-045 was returned unsigned by the Principal Chief.

**AND THAT,** in accordance with the Constitution, Article VI, Section 6, (A), NCA 13-045 shall be a Law as if the Principal Chief had signed it.

**AND THAT,** NCA 13-045 shall be recorded and shall be known as a Law.


  
\_\_\_\_\_  
Kristie A. Sewell, Recording Secretary  
Muscogee (Creek) National Council

**CERTIFICATION OF APPROVAL**

**THEREFORE, BE IT KNOWN,** under Article VI, Section 6 (A), NCA 13-045 hereby becomes a Law of the Muscogee (Creek) Nation on this 11<sup>th</sup> day of March, 2013.

**FURTHERMORE,** under Article VI, Section 6. (C), NCA 13-045 shall be stamped with Seal of the Muscogee (Creek) Nation.

**IN WITNESS WHEREOF,** I, the Speaker of the Muscogee (Creek) National Council have hereto attached my signature this 11<sup>th</sup> day of March, 2013.

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



## *Muscogee (Creek) Nation*

*George P. Tiger*  
Principal Chief

*Executive Office*

*Roger Barnett*  
Second Chief

March 11, 2013

Samuel S. Alexander  
Honorable Speaker  
Muscogee (Creek) National Council  
P.O. Box 580  
Okmulgee, OK 74447

Dear Speaker Alexander:

I am returning NCA 13-045 herewith:

**A MESSAGE OF THE PRINCIPAL CHIEF RETURNING NCA 13-045  
TO THE NATIONAL COUNCIL UNSIGNED**

In accordance with the Muscogee (Creek) Nation Constitution, I, George Tiger, Principal Chief of the Muscogee (Creek) Nation, do hereby return NCA 13-045 "A LAW OF THE MUSCOGEE (CREEK) NATION CLARIFYING COMMISSIONS TO FILL VACANCIES, AND PROVIDING STRUCTURE AND GUIDELINES" unsigned.

Sincerely,

George Tiger  
Principal Chief

GT/wm

**RECEIVED**

MAR 11 2013



**NCA 13-045**

**CLASSIFICATION: #37. TRIBAL GOVERNMENT**

**A LAW OF THE MUSCOGEE (CREEK) NATION CLARIFYING COMMISSIONS TO FILL VACANCIES, AND PROVIDING STRUCTURE AND GUIDELINES**

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

**SECTION ONE. NEW LAW. The following new Law is hereby enacted:**

**Section 1-101. Findings. The National Council finds that:**

A. The Muscogee (Creek) Nation Constitution ("Constitution") grants the Principal Chief authority to fill vacancies by granting commissions expiring at the beginning of the next National Council meeting. In that regard, there exists no structure, regulation or guidelines to implement how commissions are addressed by the National Council.

B. While separation of powers between the branches of government is a founding principle, the Constitution emphasizes joint approval for selected appointments providing specific instructions:

*"The Principal Chief shall appoint, subject to majority approval of the Muscogee (Creek) National Council, a Citizenship Board. The Election Board is created in the same manner.*

*The Principal Chief shall create and organize the Executive Office of the Principal Chief; and, with the advice and consent of the Muscogee (Creek) National Council, appoint officers of the Executive Office."*

C. Said commissions are by design temporary in nature because they expire at the beginning of the next Council meeting. Accordingly the commissions should not be used as a substitute for the requisite Principal Chief nomination and National Council confirmation process for selected appointments.

D. For clarification purposes, it is believed that commissions to fill vacancies require reasonable legislation to governing the limitations on commissions by the Principal Chief.

**SECTION TWO. LEGITIMATE PURPOSES FOR COMMISSIONS TO FILL VACANCIES.**

A. Commissions to fill vacancies should be carefully used to make a temporary appointment for a reasonable amount of time until legislation can be prepared for the requisite National Council confirmation.

B. A legitimate use of a commission to fill vacancies would be evaluation of a potential tribal officer for a short period of time. If the potential appointee obtains a satisfactory evaluation, the legislation shall be prepared for the requisite National Council confirmation.

**SECTION THREE. COMMISSIONS NO SUBSTITUTION FOR JOINT APPROVAL OF APPOINTMENTS.**

Section 3-101. The Constitution emphasizes joint approval for selected appointments providing specific instructions.


A. Issuance of multiple commissions to the same individual over period of time extending more that three (3) consecutive National Council sessions to the same individual circumvent the joint approval provided by the Constitution for selected appointments.

B. The Principal Chief should have ample latitude and the time to adequately fulfill his responsibilities in the appointment process if permitted a period of ninety (90) days.

Accordingly, no individual that is temporarily appointed by commission for more than three consecutive National Council regular sessions, or ninety (90) days will be recognized by the National Council as properly commissioned.

**ENACTED** by the Muscogee (Creek) National Council on this 23<sup>rd</sup> day of February, 2013.

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

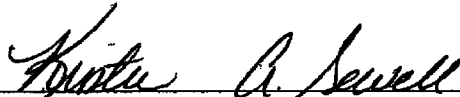


---

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

**CERTIFICATION**

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Eighteen members with **Seventeen** members attending this meeting on the **23<sup>rd</sup>** day of **February, 2013** and that the above is in conformity with the provisions therein adopted by a vote of **16** in favor, **0** against, 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.



\_\_\_\_\_  
Kristie A. Sewell, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this \_\_\_\_\_ day of \_\_\_\_\_, 2013 to the above Law, **NCA 13-045** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

\_\_\_\_\_  
George Tiger, Principal Chief  
Muscogee (Creek) Nation