



NCA 12-190

CLASSIFICATION: #17. ECONOMIC DEVELOPMENT

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 17, §5-105 ENTITLED "Distribution of Profits" OF THE ECONOMIC DEVELOPMENT CODE THAT PERTAINS TO THE MUSCOGEE (CREEK) NATION TRAVEL PLAZAS

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

SECTION ONE. FINDINGS. The National Council finds that:

A. Pursuant to TR 12-133, the National Council authorized Muscogee Nation Business Enterprise (MNBE) to manage the Nation's Travel Plazas and repealed TR 02-081 which had approved a business plan authorizing the Muscogee (Creek) Nation Tribal Trade and Commerce Authority (hereinafter "TCA") to manage the Nation's Travel Plazas.

B. MCNCA Title 17 §5-105 needs to be amended so that the Travel Plazas' distribution of profits is consistent with the MNBE distribution of profits to avoid confusion and maintain consistency among the Enterprise's entities.

C. The National Council desires to amend the Travel Plaza Act to provide for the management of the Travel Plazas and its Facilities to the MNBE and for clarification as to the distribution of profits.

SECTION TWO. AMENDMENT. This amendment shall be codified in Title 17, Chapter 5, 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 and published in 2010 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 17, §5-105 is hereby amended to read as follows:

§5-105. Distribution of profits Management of operations

~~Each location developed under this chapter, after payment of outstanding debt for its location, shall pay fifty percent (50%) of its net income, annually, after provision for depreciation, interest and overall Travel Plaza Enterprise administrative costs, to the Tribal General Fund. These funds will then be available for appropriation by the National Council, in accordance with its normal practices. The remainder of the profits retained by the Travel Plaza Enterprise, as a whole, may be used for expansion to other sites, after giving due consideration to working capital needs of current locations.~~

All operations of the Travel Plaza Enterprise shall be managed by the Muscogee Nation Business Enterprise. The Muscogee Nation Business Enterprise shall operate the Travel Plaza Enterprise for the economic benefit of the Muscogee (Creek) Nation and its citizens, pursuant to the Muscogee Nation Business Enterprise's purpose and authority to operate Tribal business ventures in accordance with Title 17, §6-101, et seq. The Muscogee Nation Business Enterprise shall have the authority to contract, in its own name, for all goods and services incidental to the management of operations of the Travel Plaza Enterprise in the ordinary course of business. All operating revenue from the Travel Plaza Enterprise shall be included in the overall revenue of the Muscogee Nation Business Enterprise and shall be a component of determining any distribution of Muscogee Nation Business Enterprise profits pursuant to Title 17, §6-112. For the purpose of segregating the business risks associated with managing the operations of the Travel Plaza Enterprise from other Tribal business ventures carried on or maintained by the Muscogee Nation Business Enterprise, the Muscogee Nation Business Enterprise, upon the approval of the National Council, may transfer its management authority and obligations under this section to a separate business enterprise or entity controlled by the Muscogee Nation Business Enterprise and wholly-owned by either the Muscogee (Creek) Nation or the Muscogee Nation Business Enterprise. In the event of such transfer, all references in this section to the "Muscogee Nation Business Enterprise" shall include any such transferee business enterprise or entity.

SECTION FOUR. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this 29th day of September, 2012.

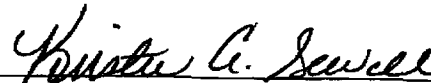
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



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

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Eighteen members with **Sixteen** members attending this meeting on the **29th** day of **September, 2012** and that the above is in conformity with the provisions therein adopted by a vote of **15** 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.



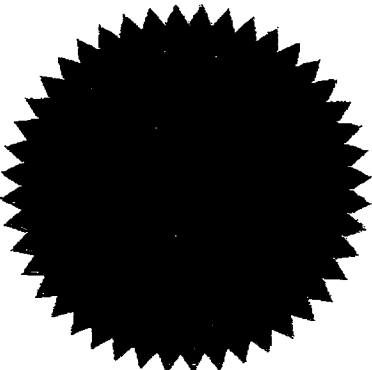
Kristie A. Sewell, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 5th day of October, 2012 to the above Law, **NCA 12-190** 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





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B. MCNCA Title 17 §5-105 needs to be amended so that the Travel Plazas' distribution of profits is consistent with the MNBE distribution of profits to avoid confusion and maintain consistency among the Enterprise's entities.

C. The National Council desires to amend the Travel Plaza Act to provide for the management of the Travel Plazas and its Facilities to the MNBE and for clarification as to the distribution of profits.

SECTION TWO. AMENDMENT. This amendment shall be codified in Title 17, Chapter 5, 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 and published in 2010 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 17, §5-105 is hereby amended to read as follows:

§5-105. Management of operations

All operations of the Travel Plaza Enterprise shall be managed by the Muscogee Nation Business Enterprise. The Muscogee Nation Business Enterprise shall operate the Travel Plaza Enterprise for the economic benefit of the Muscogee (Creek) Nation and its citizens, pursuant to the Muscogee Nation Business Enterprise's purpose and authority to operate Tribal business ventures in accordance with Title 17, §6-101, *et seq.* The Muscogee Nation Business Enterprise shall have the authority to contract, in its own name, for all goods and services incidental to the management of operations of the Travel Plaza Enterprise in the ordinary course of business. All operating revenue from the Travel Plaza Enterprise shall be included in the overall revenue of the Muscogee Nation Business Enterprise and shall be a component of determining any distribution of Muscogee Nation Business Enterprise profits pursuant to Title 17, §6-112. For the purpose of segregating the business risks associated with managing the operations of the Travel Plaza Enterprise from other Tribal business ventures carried on or maintained by the Muscogee Nation Business Enterprise, the Muscogee Nation Business Enterprise, upon the approval of the National Council, may transfer its management authority and obligations under this section to a separate business enterprise or entity controlled by the Muscogee Nation Business Enterprise and wholly-owned by either the Muscogee (Creek) Nation or the Muscogee Nation Business Enterprise. In the event of such transfer, all references in this section to the "Muscogee Nation Business Enterprise" shall include any such transferee business enterprise or entity.

SECTION FOUR. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this 29th day of September, 2012.

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



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

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Eighteen members with Sixteen members attending this meeting on the 29th day of September, 2012 and that the above is in conformity with the provisions therein adopted by a vote of 15 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

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George Tiger, Principal Chief
Muscogee (Creek) Nation

