



OCT 25 2004

A.D. Ellis, Principal Chief  
Muscogee (Creek) Nation  
Office of the Principal Chief  
P.O. Box 580  
Hwy. 75, Loop 56  
Okmulgee, Oklahoma 74447

RE: Amendment to the Muscogee (Creek) Nation's Gaming Code

Dear Mr. Ellis:

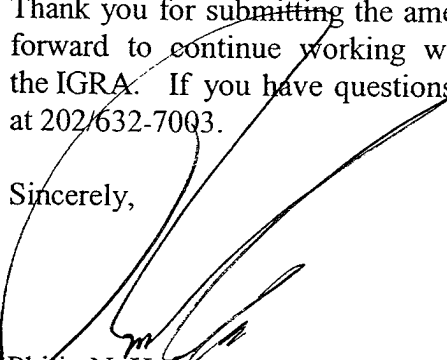
This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve the recent amendments to the Muscogee (Creek) Nation (Nation) NCA 04-064, NCA 04-114 and NCA 04-111. The amendments and the National Council resolutions were received by the NIGC on August 2, 2004

This letter constitutes approval under the Indian Gaming Regulatory Act. 25 U.S.C. § 2701 *et seq.* Approval does not constitute approval of specific games. In addition, the amendment is approved for gaming only on Indian lands, as defined in the IGRA, over which the Nation exercises jurisdiction.

We note that NCA 04-064 does not differ from section 309 which was part of NCA 01-183 and was approved by the Commission on February 22, 2002. We note further that NCA 04-114 and 04-111 are not numbered consistently with NCA 01-183.

Thank you for submitting the amendments for review and approval. The NIGC staff and I look forward to continue working with you and the Muscogee (Creek) Nation in implementing the IGRA. If you have questions or require further assistance, please contact Frances Fragua, at 202/632-7003.

Sincerely,



Philip N. Hogen  
Chairman



I hereby certify that I am the designated, qualified Tribal Secretary of the National Council of the Muscogee (Creek) Nation, I further certify that this document is a true and correct copy of the original Law NCA Executed the 30<sup>th</sup> day of April 2004. 04-064  
*Jerry Dutchy*  
Secretary of the National Council

NCA 04-064

CLASSIFICATION: #21. GAMING

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 21, § 3-109, ENTITLED "License eligibility determination"

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

**SECTION ONE. AMENDMENT.** This amendment shall be codified in Title 21, Chapter 3 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 2003 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 not in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval.

**SECTION TWO. AMENDMENT.** MCNCA Title 21, § 3-109, is hereby amended to read as follows:

Section 309. License Eligibility Determination.

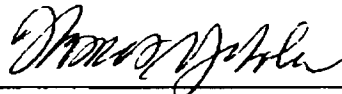
The Commissioner shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a license applicant for employment in a gaming operation.

If the Commissioner determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming, the Commissioner shall not issue a license to the applicant.

**SECTION THREE. EFFECTIVE DATE.** The effective date of this amendment shall be on the date of approval by the National Indian Gaming Commission; on the date the National Indian Gaming Commission determines that approval of the amendments are not necessary; or in the absence of issuance of approval or disapproval by the National Indian Gaming Commission, ninety days from the date of submission of this amendment to the National Indian Gaming Commission, whichever date occurs first.

ENACTED by the Muscogee (Creek) National Council on this 24<sup>th</sup> day of April 2004.

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

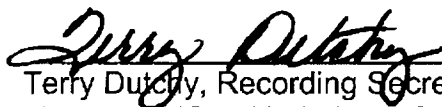


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Thomas Yahola, Speaker  
National Council  
Muscogee (Creek) Nation

**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 24<sup>th</sup> day of April 2004, and that the above is in conformity with the provisions therein adopted by a vote of 22 in favor, 0 against, 0 abstentions (two Representatives), 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.



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Terry Dutchy, Recording Secretary  
Muscogee (Creek) National Council

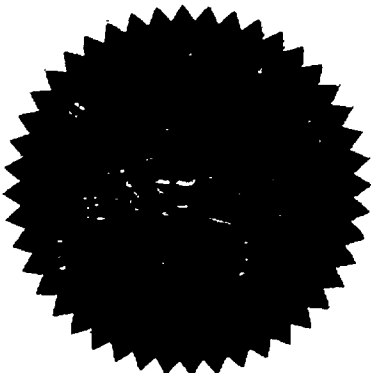
**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 30 day of April, 2004, to the above Law, NCA 04-064, authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



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





I hereby certify that I am the designated, qualified Tribal Secretary of the National Council of the Muscogee (Creek) Nation, I further certify that this document is a true and correct copy of the original Law NCA 04-111 Executed the 1<sup>st</sup> day of July 2004.  
Allen Dutcher  
Secretary of the National Council

NCA 04-111

AUG - 2 2004

CLASSIFICATION: #21. GAMING

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MUSCOGEE (CREEK) NATION CODE ANNOTATED TITLE 21, "GAMING," CHAPTER 2, "PUBLIC GAMING COMMISSIONER," AS AMENDED BY NCA 04-035, TO AMEND THE QUALIFICATIONS FOR THE OFFICE OF PUBLIC GAMING COMMISSIONER**

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

**SECTION ONE. AMENDMENT.** This amendment shall be codified in Title 21, Chapter 2, 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 2003 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 not in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:


**§ 2-102. Appointment, qualifications and term of office.**

The Principal Chief shall nominate a preferred citizen of the Muscogee (Creek) Nation or the best qualified individual to serve as the Commissioner, subject to confirmation by the National Council by duly adopted Tribal Resolution. The individual must possess a bachelor's degree in a related field of study from an accredited college or university. Indian preference shall be given. The Commissioner's term will be for a period of not to exceed four (4) years to expire at the end of the term of office of the Principal Chief who made the appointment; provided that a Commissioner may serve more than one (1) term in office.

**SECTION TWO. EFFECTIVE DATE.** The effective date of this amendment shall be the date of approval by the National Indian Gaming Commission; on the date the National Indian Gaming Commission determines that approval of the amendment is not necessary; or in the absence of issuance of approval or disapproval by the National Indian Gaming Commission, ninety (90) days from the date of submission of this amendment to the National Indian Gaming Commission, whichever date occurs first.

ENACTED by the Muscogee (Creek) National Council on this 26<sup>th</sup> day of June 2004.

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

  
Richard Berryhill, Second Speaker  
National Council  
Muscogee (Creek) Nation

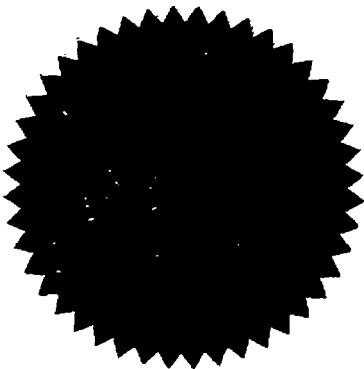
**CERTIFICATION**

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-two members attending this meeting on the 26<sup>th</sup> day of June 2004, and that the above is in conformity with the provisions therein adopted by a vote of 21 in favor, 0 against, 0 abstentions, and that said Law has not been rescinded or amended in any way and the above is the signature of the Second Speaker of the National Council.

  
Terry Dutton, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 1 day of July, 2004, to the above Law, **NCA 04-111**, 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



I hereby certify that I am the designated, qualified Tribal Secretary of the National Council of the Muscogee (Creek) Nation. I further certify that this document is a true and correct copy of the original Law NCA Executed the 1<sup>st</sup> day of July 2004. 04-114  
Wesley D. O'Neal  
Secretary of the National Council

**NCA 04-114**

**CLASSIFICATION: #21. GAMING**

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 21, § 4-102 ENTITLED "BOARD COMPOSITION" TO ADD A PROVISION FOR STIPENDS AND MILEAGE FOR GAMING OPERATIONS AUTHORITY BOARD MEMBERS**

**SECTION TWO. AMENDMENT.** MCNCA Title 21, §4-102 is hereby amended to add a new subsection F. to read as follows:

F. Stipends/ Mileage. Gaming Operations Authority Board Members, except the ex-officio National Council member, shall receive a stipend of \$125.00 for each duly called meeting of the Board that he or she attends. In addition to a stipend, Board members shall receive mileage to and from duly called meetings at the Nation's current rate. Stipends and mileage for each member of the Board shall not exceed \$6,000.00 in any given fiscal year.

**SECTION THREE. EFFECTIVE DATE.** The effective date of this amendment shall be the date of approval by the National Indian Gaming Commission; on the date the National Indian Gaming Commission determines that approval of the amendment is not necessary; or in the absence of issuance of approval or disapproval by the National Indian Gaming Commission, ninety (90) days from the date of submission of this amendment to the National Indian Gaming Commission, whichever date occurs first.

**ENACTED** by the Muscogee (Creek) National Council on this 26<sup>th</sup> day of June 2004.

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

Richard Berryhill  
Richard Berryhill, Second 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-two** members attending this meeting on the **26<sup>th</sup> day of June 2004**, and that the above is in conformity with the provisions therein adopted by a vote of **17** in favor, **4** against, **0** abstentions, and that said Law has not been rescinded or amended in any way and the above is the signature of the Second Speaker of the National Council.



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Terry Dutchy, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 1 day of July, 2004, to the above Law, **NCA 04-114**, authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



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

