



NCA 15-218

CLASSIFICATION: #49. MYSKOKE MEDIA

A LAW OF THE MUSCOGEE (CREEK) NATION CREATING A NEW TITLE 49, ENTITLED "MYSKOKE MEDIA" AND NEW LAW TO ESTABLISH AN INDEPENDENT MEDIA AND TO PROVIDE PROTECTIONS FOR THE INDEPENDENT MEDIA AND EDITORIAL BOARD IN TITLE 49 AND AMENDING MCNCA TITLE 16, § 1-102 J., ENTITLED "Myskoke Media" AND K., ENTITLED "Independent Statutory Executive Agencies" AND MCNCA TITLE 37 § 2-204, ENTITLED "Communications Department Revolving Account" AND REPEALING MCNCA TITLE 16 CHAPTER 5, SUBCHAPTER 1, ENTITLED "Communication Services"

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

SECTION ONE. FINDINGS. The National Council finds that:

A. All Muscogee (Creek) citizens should be allowed to have access to information regarding Muscogee (Creek) Nation activities and news.

B. There is a need to create an independent media of the Nation to have news and activities reported objectively without interference or bias.

C. The Nation's media should be overseen by an Editorial Board and the Board and media shall have protections permitting them to report news and activities without interference or bias.

SECTION TWO. NEW TITLE AND LAW. The following new law shall be codified in Title 49 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts for 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 in this law in order to be 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 new law:

**. TITLE 49. MYSKOKE MEDIA
CHAPTER 1. MYSKOKE MEDIA**

§ 1-101. Mvskoke Media. Mvskoke Media shall consist of the newspaper (Muscogee Nation News), as well as the television (Native News Today) and radio (Mvskoke Radio) broadcast outlets and the Graphic Design and Printing and Website Design divisions. Mvskoke Media will also include support staff, such as, administrative and IT staff.

§ 1-102. Advertising Policy.

A. Mvskoke Media is authorized to accept commercial display advertising from chartered communities of the tribe, individual businesses owned by enrolled tribal citizens and other businesses that wish to direct advertising to the outlet's readers, viewers and listeners.

B. Mvskoke Media is authorized to accept political advertising that conforms to policy and procedure outlined by the Editorial Board.

CHAPTER 2. INDEPENDENT MEDIA ACT

§ 2-101. Establishment. This Act is hereby established as the Independent Media Act of the Muscogee (Creek) Nation.

§ 2-102. Policy. All news reported by Mvskoke Media shall be independent without undue influence of any political interest or interference.

CHAPTER 3. EDITORIAL BOARD AND MVSKOKE MEDIA MANAGER

§ 3-101. Editorial Board.

The Editorial Board shall consist of three (3) members, of which at least two (2) members shall be enrolled Muscogee (Creek) citizens.

A. One (1) member of the Board shall be selected by the Principal Chief and One (1) member to be selected by the National Council. The third member of the Board shall be selected by Mvskoke Media. Each appointment shall require confirmation by Tribal Resolution of the National Council.

B. The term of the board members shall be three (3) years and shall have no holdover. The board members' terms shall be staggered to guarantee Board continuity.

C. One member shall serve as Chairman, one member to serve as Vice-Chairman and one member to serve as Secretary. Said officers shall be designated by Tribal Council at the time of confirmation by the Council.

D. The following are requirements to be eligible to serve on the Board:

1. be at least 25 years of age;
2. one board member must have background in Tribal Law;
3. two board members must have experience in the journalism field, either as management, operations, editorial staff or reporting experience or one board member must have experience in the journalism field and one board member with graphic design and printing experience;
4. one board member must have a bachelor's degree or higher in journalism or related field;
5. be of good character and have a reputation of integrity;
6. be physically able to carry out the duties of office; and
7. certify he or she will adhere to the standards of accepted ethics of journalism as defined by the Society of Professional Journalists and endorsed by the Native American Journalists Association.

E. Board Members shall serve their terms of office free from political influence from any governmental branch of the Muscogee (Creek) Nation or any department or entity of the Muscogee (Creek) Nation and may only be removed for cause subject to Title 31.

F. The board members shall be provided a monthly stipend to be paid after the first meeting of each month. The stipend for board members shall be \$350.00 monthly. The board members shall be provided for reimbursement of reasonable expenses in regard to their duties.

G. No member of the board shall, directly or indirectly, solicit, receive or in any manner be concerned in soliciting or receiving any assessment, subscription or contribution for any political organization, candidacy or other political purpose. The board members shall not participate in any political campaign or be involved in any tribal political activity, except to exercise his or her right as a citizen to express his or her individual opinion and cast his or her right to vote. Nothing herein shall prevent political organizations or candidates from purchasing advertisements in any medium operated by Mvskoke Media.

H. A board member cannot work for the executive or legislative branches, or Mvskoke Media.

I. The deadline to have the Editorial Board in place shall be January 1, 2016.

§ 3-102. Powers and Duties.

The Editorial Board shall have the following powers and duties:

A. To establish and enforce an editorial policy that will be fair and responsible in the reporting of general news, current events and issue of Muscogee (Creek) Nation concern, including activities of the community, language, culture, history and other subjects which will inform the Muscogee (Creek) citizens about their government, tribe and culture.

B. To ensure the operational structure is sound and that the duties and obligations required of the Editorial Board are fulfilled.

C. To review departmental policies to ensure fairness and professionalism in all department practices.

D. To hold public periodic meetings in order to conduct official department business and policy review.

§ 3-103. Mvskoke Media Manager.

A. The Mvskoke Media Manager shall be appointed by the Editorial Board to oversee the operations of the newspaper, television, radio, website, graphics and printing staff.

B. The Mvskoke Media Manger shall:

1. be solely responsible for existing staff and hire qualified staff in accordance with the Editorial Board policy; and
2. be responsible for management functions, including but not limited to, financial responsibilities and daily functions of Mvskoke Media.

C. The Mvskoke Media Manager must:

1. be at least 25 years of age;
2. have a bachelor's degree in journalism or a related field from a college or university, or an appropriate combination of education and experience;
3. be of good character and have a reputation of integrity;
4. be physically able to carry out the duties of office;
5. certify he or she will adhere to the standards of accepted ethics of journalism as defined by the Society of Professional Journalists and endorsed by the Native American Journalists Association;
6. have experience necessary for the successful operation of the publications, television and radio subsidiaries; and
7. be a Muscogee (Creek) citizen.

C. If a vacancy should occur, the Editorial Board shall appoint a new Mvskoke Media Manager. The enactment of this law shall not create a vacancy with the

current Mvskoke Media Manager.

D. The Mvskoke Media Manager shall serve until removed by the Editorial Board or until the Mvskoke Media Manager resigns the position in writing to the Editorial Board.

E. The Mvskoke Media Manager shall serve his or her term of office free from political influence from any branch or entity of the government of the Muscogee (Creek) Nation and may be removed only for cause.

F. The Mvskoke Media Manager and staff shall not, directly or indirectly, solicit, receive or in any manner be concerned in soliciting or receiving any assessment, subscription or any contribution for any political organization, candidacy or other political purpose. The Mvskoke Media Manager shall not participate in any political campaign or be involved in any tribal political activity, except to exercise his or her right as a citizen to express his or her individual opinion and cast his or her right to vote.

G. Equipment. All equipment currently used by Mvskoke Media staff (Muscogee Nation News, Native News Today and Mvskoke Radio) shall be retained by Mvskoke Media.

H. Access. All reporters, radio and video crews are allowed access to tribal complex and Muscogee (Creek) Nation facilities.

I. Creative Rights. Mvskoke Media shall retain the rights to previously produced media, including but not limited to, written, visual or audio creations and interviews.

CHAPTER 4. SHIELD ACT

§ 4-101. Establishment. The Shield Act is hereby established to affirm the independence of a free media in the Muscogee (Creek) Nation by providing protection of journalistic sources and information from disclosure in any Muscogee (Creek) Nation proceeding.

Definitions.

A. "Information" includes any written, oral or pictorial news or any digital or tangible record.

B. "Journalist" means any person who is a reporter, photographer, editor, commentator, journalist, correspondent, announcer, videographer, or other individual regularly engaged in obtaining, writing, reviewing, editing, or otherwise preparing news for any newspaper, periodical, press association, newspaper syndicate, wire service,

website, radio or television station, or other news service. Any individual employed by any such news service in the performance of any of the above-mentioned activities shall be deemed to be regularly engaged in such activities.

C. "Medium of communication" includes any newspaper, other periodical, book, pamphlet, website, podcast, news service, wire service, news or feature syndicate, broadcast station or network, cable television system, video, live stream, or other record.

D. "Muscogee (Creek) Nation proceeding" includes any proceeding or investigation before or by any judicial, legislative, executive or administrative body within the Muscogee (Creek) Nation.

E. "Processing" includes compiling, storing and editing of information.

F. "Published information" means any information disseminated to the public by the person from whom disclosure is sought.

A. "Unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated, and includes, but is not limited to, all notes, outtakes, photographs, video clips or other data of any type not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated.

§ 4-102. Journalistic Protections.

A. No journalist shall be required to disclose in a Muscogee (Creek) Nation proceeding either:

1. The source of any published or unpublished information obtained in the gathering, receiving or processing of information for any medium of communication to the public; or
2. Any unpublished information obtained or prepared in gathering, receiving or processing of information for any medium of communication to the public; unless the court finds that the party seeking the information or identity has established by clear and convincing evidence that such information or identity is relevant to a significant issue in the action and could not with due diligence be obtained by alternate means.

B. This section does not apply with respect to the content or source of allegedly defamatory information, in a civil action for defamation wherein the defendant asserts a defense based on the content or source of such information.

SECTION THREE. AMENDMENT. These amendments shall be codified in Title 16 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:

§ 1-102

J. MVSKOKE MEDIA/PUBLIC RELATIONS

4. Public Relations
Communications

K. INDEPENDENT STATUTORY EXECUTIVE AGENCIES

1. Lighthouse Administration
2. Office of Tax Commission
3. Office of Public Gaming
4. Gaming Operations Authority Board
5. Tribal Trade and Commerce Authority
6. Muscogee (Creek) Nation Business Enterprise
7. Creek Nation Foundation
8. Office of Veterans Affairs
9. Mvskoke Media
 - a. Muscogee Nation News
 - b. Native News Today
 - c. Mvskoke Radio
 - d. Graphic Design and Printing
 - e. Website Design

SECTION FOUR. AMENDMENT. This amendment shall be codified in Title 37, 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 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:

§ 2-204. Communications Muskoke Media Department Revolving Account

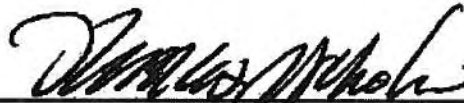
A revolving account for the Communications Muskoke Media Department shall be established for all income earned through advertising to be deposited into the Communications Muskoke Media Department operating budget. This revolving account is to also be used for funds the department receives for photo services and sales, video productions and sales, desktop publishing requests, Muscogee Nation News subscriptions and any other funds accrued by the Department. This provision is retroactive and all funds, including interest, shall be returned to the Communications Muskoke Media Department operating budget.

SECTION FIVE. REPEALER. MCNCA TITLE 16, CHAPTER 5, SUBCHAPTER 1. Communication Services is hereby repealed.

SECTION SIX. 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 26th day of September, 2016.

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



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 Sixteen members with Fifteen members attending this meeting on the 26th day of September, 2016 and that the above is in conformity with the provisions therein adopted by a vote of 14 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 14 day of Oct, 2015 to the above Law, NCA 15-218 authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal
Muscogee (Creek) Nation

