

# TITLE 30. NATIONAL COUNCIL/LEGISLATIVE BRANCH ETVLWVLKE NAKAFTVLKE/VHAKV HAYVLKE

<b>Chapter</b>		<b>Section</b>
1.	LEGISLATION; CODIFICATION OF LAWS. ....	1-101
2.	LEGISLATIVE DISTRICTS. ....	2-101
3.	MEETINGS OF NATIONAL COUNCIL. ....	3-101
4.	COMPENSATION OF NATIONAL COUNCIL. ....	4-101
5.	SPEAKER. ....	5-101
6.	SECRETARY OF NATIONAL COUNCIL. ....	6-101
7.	PARLIAMENTARIAN TO NATIONAL COUNCIL. ....	7-101
8.	CONTEMPT OF NATIONAL COUNCIL. ....	8-101

### Cross References

Special appropriations guidelines, see Title 35, § 9-101 et seq.

## CHAPTER 1. LEGISLATION; CODIFICATION OF LAWS

<b>Section</b>	
1-101.	Title and codification.
1-102.	Definitions.
1-103.	Purpose.
1-104.	Codification Committee.
1-105.	Codification of laws.
1-106.	Constitution; classification of laws by title.
1-107.	Codification of prior laws.
1-108.	Codification of new laws.
1-109.	Legislative history and annotations.
1-110.	Code of Laws updates.
1-111.	Publication of Code of Laws.
1-112.	Form of bills, laws and Tribal Resolutions; amendments.
1-113.	Session laws.
1-114.	Maintenance of minutes, bills, laws and resolutions.
1-115.	Appropriations and establishment of restricted account.
1-116.	Sales and distribution.
1-117.	Mvskoke Law Reporter.
1-118.	Sales and distribution of the Mvskoke Law Reporter.
	Appendix 1.
	Appendix 2.
	Appendix 3.

### § 1-101. Title and codification

This Act (NCA 01-12) shall be entitled “Chapter One. Legislation; Codification of Laws,” and shall be placed in Title 30, “National Council/Legislative Branch,” of the Code of Laws of the Muscogee (Creek) Nation.

[NCA 01-12, § 1-101, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

**Library References**

Indians ↻210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 1–102. Definitions**

A. “Annotation” means comments, explanations, notes, and citations of case law relevant to interpretation of a law.

B. “Code of Laws” shall mean the Code of Laws of the Muscogee (Creek) Nation.

C. “Codification” means to establish, compile, arrange, group, sort, catalog, list, categorize, place, and index a published document containing the Constitution, Ordinances, and Rules of Procedure of the Muscogee (Creek) Nation.

D. “Law” means the written law of the Muscogee (Creek) Nation intended to permanently direct and control matters applying to persons or things in general, including all general and special appropriations, adopted by vote of the National Council following a duly seconded motion to approve such law. An ordinance enacted prior to the effective date of enactment of this chapter shall be deemed a “law” only if it meets the definition contained herein; if it does not meet this definition, it shall be deemed a “Tribal Resolution” as defined in this chapter. Any Tribal Resolution enacted prior to the effective date of enactment of this chapter which meets the definition of a law shall be treated as a law only when expressly designated as a law by enactment of the National Council.

E. “Motion” means a verbal statement by a member of the National Council by which such member submits a proposed measure for consideration and action by the National Council.

F. “National Council” means the National Council of the Muscogee (Creek) Nation.

G. “National Council Resolution” means the formal expression of the opinion or will of the National Council relating to the internal operations of the National Council. National Council Resolutions shall be maintained in accordance with the Rules of Procedure. Legislation designated as an “Ordinance,” “Act” or “Tribal Resolution” which was enacted prior to the effective date of enactment of this chapter shall be deemed a “National Council Resolution” for codification purposes if it meets the definition contained herein.

H. “Rules of Procedure” means the Rules of Procedure of the Muscogee (Creek) Nation National Council adopted on May 20, 2000 or any duly approved amendment or amendment of said Rules of Procedure.

I. “Tribal Resolution” means the formal expression of the policy, opinion or will of the Muscogee (Creek) Nation relating to some specific matter or thing of significance to the Muscogee (Creek) Nation government and citizens, adopted by vote following a duly seconded motion to approve such Tribal resolution. Legislation designated as an “Ordinance,” “Act” or “National Council Resolution” which was enacted prior to the effective date of enactment of this chapter

shall be deemed a “Tribal Resolution” for codification purposes if it meets the definition contained herein.

[NCA 01–12, § 1–102, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

### § 1–103. Purpose

The purpose of this chapter is to have all the Nation’s laws, Tribal Resolutions and National Council Rules of Procedure thoroughly examined and documented so as to have them placed in an appropriate document for professional publication. In order to assemble the necessary material for publication the three (3) branches of the Nation shall cooperate in the collection, provision and distribution of any and all relevant material necessary to accomplish the goal of this chapter. Each branch shall make available personnel and materials needed to accomplish the purpose of this chapter.

[NCA 01–12, § 1–103, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

#### Library References

Indians ⇨210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 1–104. Codification Committee

A Codification Committee made up of at least five (5) persons shall be established. The Committee members shall consist of the Principal Chief or his/her designee, the Speaker or his/her designee, the District Court Judge of the Muscogee (Creek) Nation or his/her designee, the Attorney General or his/her designee, and one (1) member from the Business and Government Committee. The District Court Judge or his/her designee shall be the Chairman of the Codification Committee. The Codification Committee shall have the authority to effect the codification of the laws of the Muscogee (Creek) Nation, including update of the Code on an annual basis, and shall have such other authority as granted by this chapter.

[NCA 01–12, § 1–104, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

#### Library References

Indians ⇨210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 1–105. Codification of laws

A. The Code of Laws of the Muscogee (Creek) Nation is hereby established and shall be based on all unrepealed laws and any amendments thereto enacted by the Muscogee (Creek) Nation before or after enactment of this chapter and placed in a code form in accordance with the codification procedures established by this chapter; provided that appropriations laws shall not be codified, except for any substantive provisions contained therein.

B. Tribal Resolutions and National Council Resolutions shall not be codified, and the codification of laws shall have no effect upon the validity of any

## Title 30, § 1–105

## LEGISLATIVE BRANCH

Tribal or National Council Resolution. No Tribal or National Council Resolution shall be construed to be controlling over any inconsistent law.

[NCA 01–12, § 1–105, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

### Library References

Indians ↻210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 1–106. Constitution; classification of laws by title

**A. Constitution.** The Constitution of the Muscogee (Creek) Nation, and all amendments submitted to the people for referendum vote and the results thereof, shall be placed at the beginning of the Code of Laws.

**B. Classification of laws.** The laws of the Muscogee (Creek) Nation shall be classified by subject matter and codified in the appropriate titles of the Code of Laws of the Muscogee (Creek) Nation, in accordance with the following classification system, provided that additional titles may be added by law duly enacted by the National Council when deemed necessary:

TITLE 1 Agriculture  
TITLE 2 Attorneys and Tribal Bar  
TITLE 3 Corporations  
TITLE 4 Burial/Cemeteries  
TITLE 5 Ceremonial Grounds/Churches  
TITLE 6 Children and Family Relations  
TITLE 7 Citizenship/Census  
TITLE 8 Banking  
TITLE 9 Bureau of Indian Affairs  
TITLE 10 Definitions and General Provisions  
TITLE 11 Communities  
TITLE 12 Garnishment  
TITLE 13 Federal Claims  
TITLE 14 Crimes and Punishments  
TITLE 15 Cultural Affairs/History/Museum  
TITLE 16 Executive Branch  
TITLE 17 Economic Development  
TITLE 18 Education  
TITLE 19 Elections  
TITLE 20 Elderly Services  
TITLE 21 Gaming  
TITLE 22 Health and Safety  
TITLE 23 Hunting and Fishing

## LEGISLATION; CODIFICATION OF LAWS

## Title 30, § 1–107

- TITLE 24 Housing
- TITLE 25 Inter–Government and Inter–Tribal Relations
- TITLE 26 Judicial Branch/Courts
- TITLE 27 Judicial Procedures
- TITLE 28 Lands and Minerals
- TITLE 29 Library
- TITLE 30 National Council/Legislative Branch
- TITLE 31 Tribal Officers
- TITLE 32 Procurement
- TITLE 33 Uniform Commercial Code
- TITLE 34 Prisons
- TITLE 35 Social Services—Public Assistance
- TITLE 36 Taxation and Revenue
- TITLE 37 Tribal Government
- TITLE 38 Tribal Entities
- TITLE 39 Tribal towns
- TITLE 40 Reserved
- TITLE 41 Animals
- TITLE 42 Motor Vehicles
- TITLE 43 Oil and Gas
- TITLE 44 Railroads
- TITLE 45 United States
- TITLE 46 Water Rights
- TITLE 47 Probate
- TITLE 48 Workers’ Compensation

[NCA 01–12, § 1–106, approved Feb. 6, 2001, eff. Feb. 1, 2001; amended by NCA 08–133, § 1, approved Sept. 2, 2008.]

### Library References

Indians ⇄214.  
Westlaw Topic No. 209.  
C.J.S. Indians § 59.

### § 1–107. Codification of prior laws

The Codification Committee or its designee is hereby authorized to cause the organization of laws enacted prior to the effective date of this chapter so that they may be placed within titles in the Code of Laws and is further authorized to make minor changes in the wording of said laws, including minor grammatical corrections; changes in section numbers; the addition of headings in sections; the addition of title numbers and the addition of chapter numbers within titles; the merging of laws addressing the same subject matter in a

manner consistent with amendments and express and implied repeals; and any other minor amendments which do not affect the substance of the original law; provided that the Codification Committee shall submit each resulting Code of Laws title or chapter to the National Council for final approval.

[NCA 01–12, § 1–107, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

**Library References**

Indians ☞210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 1–108. Codification of new laws**

All bills proposing enactment of a law shall identify the Muscogee (Creek) Nation Code of Laws official title number and title name in which the enactment is to be codified, regardless of whether prior laws have been codified. If feasible, such bills shall also designate the appropriate Code of Laws chapter and section numbers. Any Code designations may be changed by the Codification Committee or its designee, if such change is required for purposes of consistency or clarity within the Code system.

[NCA 01–12, § 1–108, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

**Library References**

Indians ☞210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 1–109. Legislative history and annotations**

The Code of Laws shall include a legislative history after each section in the Code of Laws. The legislative history shall appear in brackets and shall contain citation to each law and section number upon which said section is or was based, including the date of enactment, amendment or repeal of the law. Annotations may also be placed after Code sections.

[NCA 01–12, § 1–109, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

**Library References**

Indians ☞210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 1–110. Code of Laws updates**

An updated version of any title, chapter or section affected by the final enactment of a law after the effective date of this Act shall be prepared by the Speaker’s designee for placement in an updated Code of Laws. The updated Code of Laws shall at a minimum be maintained at all times in the Office of the National Council, the Office of the Principal Chief, the Office of the Attorney General, the Office of the Muscogee (Creek) Nation Court Clerk, and any library of the Muscogee (Creek) Nation. Updated electronic copies of the Code of Laws shall be maintained by the Office of the National Council and shall be used to prepare an updated Code of Laws or pocket parts which shall be provided to

National Council members on an annual basis if funds are available for printing expenses.

[NCA 01–12, § 1–110, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

#### Library References

Indians ☞210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 1–111. Publication of Code of Laws

The Code of Laws may be published by a publisher selected by the Codification Committee and approved by the National Council, or may be published in any other manner approved by the National Council; provided that any agreement related to publication of the Code of Laws shall be approved by the National Council and executed by the Principal Chief.

[NCA 01–12, § 1–111, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

#### Library References

Indians ☞210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 1–112. Form of bills, laws and Tribal Resolutions; amendments

**A. Bills; general requirements.** Each law and Tribal Resolution introduced in the National Council of the Muscogee (Creek) Nation shall be in the form of a written bill, using letter size paper. The words “Bill Number” shall appear at the top of each bill, followed by the bill number. Following the bill number shall be the title of the law or Tribal Resolution, which title shall set forth the purpose and content of the proposed law or Tribal Resolution. Bills shall contain the names of sponsors and such other information as required by the Rules of Procedure.

**B. Bills for laws.** The bill number for a proposed law shall consist of the letters “NCA”, followed by the last two (2) digits of the year in which the proposed law is introduced, followed by a dash, followed by a number. The first law introduced in a given year shall be assigned the number “1” for placement after the last two (2) digits of the year in the bill number, and each successive law introduced during the year shall be assigned a consecutive ascending number. Following the title of each bill for a proposed law shall appear the enacting clause, in the following words, “Be it enacted by the National Council of the Muscogee (Creek) Nation:”. The text of the law shall then follow, in appropriately designated sections as needed. The format to be used for bills for laws shall be the same as appears in Appendix 1 of this chapter.

**C. Bills for Tribal Resolutions.** The bill number for a proposed Tribal Resolution shall consist of the letters “TR” for proposed Tribal Resolutions, followed by the last two (2) digits of the year in which the proposed Tribal Resolution is introduced, followed by a dash, followed by a number. The first Tribal Resolution introduced in a given year shall be assigned the number “1” for placement after the last two digits of the year in the bill number, and each

successive Tribal Resolution introduced during the year shall be assigned a consecutive ascending number. Following the title of each bill for a proposed Tribal Resolution shall appear the following words, "Be it resolved by the National Council of the Muscogee (Creek) Nation:". The findings related to said Tribal Resolution shall then be set forth, immediately followed in turn by the text of the action resolved by the National Council. The format to be used for bills for resolutions shall be the same as appears in Appendix 2 of this chapter.

**D. Amendments of Tribal Resolutions, uncodified laws, and the Code of Laws.** Any bill which proposes amendment of a Tribal Resolution, uncodified law or any title, chapter or section in the Code of Laws, shall contain numbered sections in the same format as appears in Appendix 3 of this chapter, which identify the specific resolution, law or code, or specific portion thereof to be amended, and which state that said law, resolution, title, chapter or section is to be amended as set forth below said numbered sections. Each such numbered section shall set forth the text of that portion of the resolution, uncodified law or code to be amended, with strike-outs to designate any text to be omitted and underlining to designate any text to be added. Two versions of an amendment of a law shall be prepared for execution by Tribal officials. The text with strike-outs shall be deleted and the underlining on the new text shall be removed from the first version, which shall be referred to as the "codification law" and shall be used for placement of the law in the Code of Laws where codification is appropriate. The strike-outs and underlining used to reflect the changes on the law that was amended shall not be removed from the second version, which shall be referred to as the "session law" and shall be placed in the session laws in order to document the legislative history. The title and findings in any law which amends an existing law shall not be placed in the codified text of the amended law, but may appear in the legislative history provisions immediately following the amended Code section.

**E. Approval information.** Laws and resolutions which are enacted by the National Council shall reflect the date of passage, the number of votes for, against or abstaining, the number of Council members constituting a quorum, together with a statement that the law or Tribal Resolution was passed by the National Council of the Muscogee (Creek) Nation, and shall contain such other information related to approval of the legislation required by the Rules of Procedure.

**F. Execution and attestation.** All laws and resolutions shall be finalized, executed, and attested in accordance with the Muscogee (Creek) Nation Constitution and in accordance with this chapter and the Rules of Procedure.

**G. Number upon enactment.** Each law and Tribal Resolution, upon enactment and approval as herein set forth, shall bear at the top the words, "Law No." or "Tribal Resolution No.", followed by the bill number originally assigned to the bill for said law or resolution.

[NCA 01-12, § 1-112, approved Feb. 6, 2001, eff. Feb. 1, 2001; amended by NCA 02-015, § 1, eff. March 1, 2002.]

#### Library References

Indians ☞210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 1-113. Session laws

Copies of enacted laws shall be placed in session law volumes, which shall be entitled “Session Laws of the Muscogee (Creek) Nation” followed by the year of enactment of the laws contained therein. Copies of enacted Tribal Resolutions shall be placed in a separate volume entitled “Session Resolutions of the Muscogee (Creek) Nation,” followed by the year of enactment of the resolutions contained therein. The volumes may be simple binders containing copies of the laws or may be re-printed bound volumes. The volumes shall be prepared in accordance with the Rules of Procedure.

[NCA 01-12, § 1-113, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

#### Library References

Indians ⇄210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 1-114. Maintenance of minutes, bills, laws and resolutions

**A. Original copies of laws and Tribal Resolutions.** Three (3) original copies of all laws and resolutions shall be prepared by the National Council Secretary. One (1) original copy shall be distributed to the Office of the Principal Chief, one (1) original copy shall be distributed to the Bureau of Indian Affairs, and one (1) original copy shall be retained by the National Council.

**B. Certified copies of laws and Tribal Resolutions.** At the time of attestation to an original law or resolution, the Council Secretary shall prepare a certified copy of such law or Tribal Resolution enacted, and shall provide one (1) copy to the Muscogee (Creek) Nation District Court and one (1) copy to the Attorney General. Additional certified copies shall be prepared by the Secretary or his or her designee as needed upon request.

**C. Maintenance of original documents.** The original copies of all meeting minutes for the National Council and each of its Committees and the original copies of all bills, laws and resolutions shall be maintained in a secure location designated by the Rules of Procedure or otherwise approved by the Speaker of the National Council in a manner consistent with the requirements of this Act and the Rules of Procedure. Such records shall be the property of the Muscogee (Creek) Nation. The Council Secretary shall serve as the official custodian of said original records.

**D. Electronic copies.** Electronic copies of all laws and Tribal Resolutions shall be maintained by the National Council Secretary and the District Court Clerk in accordance with the Rules of Procedure or other internal procedures of the National Council approved by the Speaker of the National Council.

**E. Certification of authenticity.** Certification of laws, resolutions and National Council meeting minutes shall be accomplished by placing the seal of the Muscogee (Creek) Nation on the document, along with the following verification of authenticity upon the document: “I certify that I am the duly appointed, qualified, and acting Secretary of the National Council of the Muscogee (Creek) Nation. I further certify that this document is a true and correct copy of the

## Title 30, § 1–114

## LEGISLATIVE BRANCH

original Law/Tribal Resolution [designate one] No. \_\_\_\_\_. Executed this \_\_\_\_ day of \_\_\_\_, 2\_\_\_\_. [Signature]” The same or similar certification language shall be printed as a preface to the Code of Laws and updates to the Code of Laws for purposes of authentication.

[NCA 01–12, § 1–114, approved Feb. 6, 2001, eff. Feb. 1, 2001.]

### Cross References

Great seal and official flag, see Title 37, § 1–101 et seq.

Official seal, see Const. Art. I, § 3.

Unauthorized use of the Great Seal of the Muscogee (Creek) Nation, see Title 14, § 2–504.

### Library References

Indians ⇄210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

## § 1–115. Appropriations and establishment of restricted account

The Muscogee (Creek) Nation District Court shall be responsible for the ongoing maintenance to the Muscogee (Creek) Nation Code Annotated. Maintenance shall include, but not be limited to, the publication of annual pocket parts, publication of comprehensive supplements, and re-publication of the Code of Laws. The accumulated funds in the Muscogee (Creek) Nation Restricted Account (108568 CODIFICATION) shall be transferred to the District Court Clerk Code of Laws Revolving Fund. Revenues from the sale of volumes of the Code of Laws, pocket parts, and comprehensive supplements shall be deposited in the District Court Clerk Code of Laws Revolving Fund and shall remain available for the ongoing maintenance of the Code of Laws.

[NCA 01–12, § 1–115, approved Feb. 6, 2001, eff. Feb. 1, 2001; amended by NCA 03–192, § 1, eff. Nov. 3, 2003; amended by NCA 04–159, § 2, eff. Sept. 30, 2004; NCA 07–018, § 3, eff. Feb. 1, 2008.]

### Library References

Indians ⇄210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

## § 1–116. Sales and distribution

The District Court Clerk shall be responsible for all record keeping, distribution, and sales of volumes of the code of laws, pocket parts, and comprehensive supplements. Each code book set, pocket part, and comprehensive supplement shall be sold at a price no greater than twenty percent (20%) above cost. Code book sets, including annual pocket part updates and comprehensive supplements, shall be distributed at no cost to the following Muscogee (Creek) Nation elected officials, employees, programs, chartered communities, entities and Officials of the United States of America and State of Oklahoma, subject to the following requirements and limitations:

1. The Judicial Branch shall receive a sufficient number of sets, not to exceed eleven (11), for distribution of ownership of one (1) set to each District Judge and each Supreme Court Justice; placement and public use of one (1) set

in the Judicial Branch Law Library and one (1) set in the Court Clerk's Office, and distribution of two (2) sets for use by Judicial Branch employees;

2. The Muscogee (Creek) Nation Legislative Branch shall receive a sufficient number of sets for distribution of one (1) set to each National Council Representative for ownership; one (1) set for on-site public use; and six (6) sets for use by National Council employees with a set to be provided to each newly elected National Council Representative;

3. The Principal Chief and Second Chief shall receive one (1) set for ownership and the Office of the Principal Chief shall receive an additional two (2) sets for use by its employees with a set to be provided to each newly elected Principal Chief and Second Chief;

4. The Office of Administration shall receive a sufficient number of sets not to exceed thirty (30) for use by the Executive Director and each Director of a Division of the Muscogee (Creek) Nation; Executive Office shall receive one (1) set for his or her use, and each Manager of a program within a Division shall receive one (1) set for his or her use;

5. The Office of the Treasury shall receive a sufficient number of sets not to exceed five (5) for use by the Controller and use by the Manager of each Department within the Office of the Treasury;

6. The Tribal Trade and Commerce Authority and the Enterprise Board shall each receive one (1) set for their use;

7. The Department of Justice shall receive a sufficient number of sets not to exceed ten (10) for use by the Attorney General and each Assistant Attorney General, plus one (1) additional set for the Department of Justice Law Library and one (1) set for use by the Lighthorse Chief;

8. Each independent agency of the Muscogee (Creek) Nation identified in the Executive Office Reorganization Act, NCA 96-18, as amended, shall receive one (1) set for that agency's use;

9. Each chartered community shall receive one (1) set for the community's retention and use;

10. The President of the United States;

11. The Supreme Court of the United States; Chief Justice and Associate Justices;

12. The United States Court of Appeals for the Tenth Circuit; Chief Judge and Oklahoma's member judges;

13. The United States District Court Judges for the Northern and Eastern Districts of Oklahoma;

14. The United States Bankruptcy Court Judges for the Northern and Eastern Districts of Oklahoma;

15. The United States Senators elected from Oklahoma;

16. The United States Senate Committee on Indian Affairs.

17. Members of the United States Congress from Oklahoma whose district includes the Muscogee (Creek) Nation or a part thereof;

## **Title 30, § 1–116**

## **LEGISLATIVE BRANCH**

18. The United States House of Representatives Sub-committee on Interior and Related Agencies;
19. The United States Secretary of the Interior;
20. The United States Department of Interior Assistant Secretary of Indian Affairs;
21. The National Indian Gaming Commission;
22. The Governor of the State of Oklahoma;
23. The President Pro-Tempore of the Oklahoma State Senate;
24. The Speaker of the Oklahoma House of Representatives;
25. The Oklahoma Supreme Court Library;
26. Members of the Muscogee (Creek) Nation Gaming Operations Authority Board and Attorney;
27. Members of the College of the Muscogee (Creek) Nation Board of Regents.
28. The College of the Muscogee (Creek) Nation Library;
29. Alabama Quassarte Tribal Town, Kialegee Town and Thlopthlocco Tribal Town.

Replacement copies will be charged at cost to the elected official, employee or entity, respective programs or individual.

[NCA 01–12, § 1–116, approved Feb. 6, 2001, eff. Feb. 1, 2001; amended by NCA 03–192, § 2, eff. Nov. 3, 2003; NCA 06–108, § 2, eff. May 30, 2006; NCA 07–018, § 4, eff. Feb. 1, 2007; NCA 09–172, § 3, eff. Oct. 8, 2009.]

### **Historical and Statutory Notes**

NCA 09–172, § 2, provides: by NCA 07–018 and to amend the selling price of the code of laws to allow for flexibility in future price fluctuations.”

“Section Two. Purpose. The purpose of this law is to clarify MCNCA Title 30, § 1–116 by adding language that was erroneously stricken

### **Library References**

Indians ⇄ 210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

## **§ 1–117. Mvskoke Law Reporter**

A. The Muscogee (Creek) Nation District Court shall be responsible for the maintenance of the Mvskoke Law Reporter. Maintenance shall include, but not limited to, the publication of annual pocket parts, publication of comprehensive supplements, and re-publication of the Reporter. Revenues from the sale of volumes of the Reporter, pocket parts, and comprehensive supplements shall be deposited in the District Court Clerk Code of Laws Revolving Fund and shall remain available for the ongoing maintenance of the Reporter. Each set of Reporters, pocket parts, and comprehensive supplements shall be set at a market price to be determined by the District Court.

B. The Muscogee (Creek) Nation District Court is hereby authorized to purchase OCW Press for a purchase price of forty thousand, four hundred

twenty-five dollars (\$40,425.00). The following assets shall be transferred to the District Court upon completion of the sale:

1. Five hundred eighty-five (585) sets of the Mvskoke Law Reporter;
2. Comprehensive database containing a mailing list of libraries, Tribal Courts, and attorneys who may be interested in purchasing the Reporter;
3. Indexing and digesting copyright used in the Mvskoke Law Reporter.

C. The Muscogee (Creek) Nation is hereby authorized to contract with Professor Melissa Tatum, University of Tulsa College of Law, to produce a comprehensive pocket part to the Mvskoke Law Reporter covering July 1, 2005 - January 1, 2008. The District Court will pay Professor Tatum a one (1) time fee of twelve thousand dollars (\$12,000.00) to bring the Reporter up to date and all future updates will be handled by the District Court on a case by case basis.

[Added by NCA 08-062, § 5, approved May 1, 2008, eff. May 1, 2008.]

#### Historical and Statutory Notes

NCA 08-062, § 2, provides:

“Section Two. Purpose. The purpose of this Act is to authorize a special appropriation to the District Court for the purchase of OCW Press and to contract with Professor Melissa L. Tatum to produce Volume 8 of the MVSKEKE LAW REPORTER. This Act will also amend MCNCA Title 30, 1-111 Publication of the Code of Laws to establish The Mvskoke Press as publisher for The Muscogee (Creek) Nation Code Annotated,

Mvskoke Law Reporter, other publications of the District Court and Supreme Court and Muscogee (Creek) Nation as required and amend 1-117 to delegate all responsibility to the District Court for the maintenance and sale of the Mvskoke Law Reporter, publications of the District Court and Supreme Court and other Muscogee (Creek) Nation publications as required. Add to MCNCA Title 26, § 5-110. The Mvskoke Press Revolving Fund.”

### § 1-118. Sales and distribution of the Mvskoke Law Reporter

The District Court Clerk shall be responsible for all record keeping, distribution, and sales of volumes of the Mvskoke Law Reporter, pocket parts, and comprehensive supplements. Each Reporter set, pocket part, and comprehensive supplement shall be sold at a price no greater than twenty percent (20%) above cost. Reporter sets, including annual pocket part updates and comprehensive supplements, shall be distributed at no cost to the following Muscogee (Creek) Nation elected officials, programs, and entities:

Subject to the following requirements and limitations:

1. The Judicial Branch shall receive a sufficient number of sets of the Mvskoke Law Reporter for distribution to the following: District Court Judge, each Supreme Court Justice; placement and public use of one (1) set in the Judicial Branch law library, one (1) set in the District Court Clerk’s Office, and one (1) set in the Supreme Court Clerk’s office;
2. The Muscogee (Creek) Nation Legislative Branch shall receive a sufficient number of sets for distribution of one (1) set to each National Council Representative for ownership; one (1) set for on-site public use; and three (3) sets for use by National Council employees with a set to be provided to each newly elected National Council Representative;
3. The Principal Chief and Second Chief shall receive one (1) set for ownership and the Office of the Principal Chief shall receive an additional set

**Title 30, § 1-118**

**LEGISLATIVE BRANCH**

for use by its employees with a set to be provided to each newly elected Principal Chief and Second Chief.

4. The Office of the Treasury shall receive one (1) set for use by the Controller and one (1) set for use by employees of the department;

5. The Department of Justice shall receive two (2) sets for use by the Attorney General and Assistant Attorney Generals, plus one (1) additional set for the Department of Justice law library;

6. Replacement copies will be available at cost to each department, elected official, or governmental branch listed in this section.

[Added by NCA 09-172, § 4, eff. Oct. 8, 2009.]

**Historical and Statutory Notes**

NCA 09-172, § 2, provides: "Section 2. Purpose. The purpose of this law is to clarify MCNCA Title 30, § 1-116 by adding language that was erroneously stricken by NCA 07-018 and to amend the selling price of the code of laws to allow for flexibility in future price fluctuations."

**Appendix 1.**

**BILL NUMBER NCA** \_\_-\_\_\_\_

TO BE INTRODUCED INTO THE MUSCOGEE (CREEK) NATIONAL COUNCIL

(DATE OF INTRODUCTION)

INTRODUCED BY: \_\_\_\_\_

SPONSOR(S): \_\_\_\_\_

COMMITTEE ON: \_\_\_\_\_

**A LAW OF THE MUSCOGEE (CREEK) NATION [GENERAL PURPOSE AND CONTENT DESCRIBED BY PHRASE OR PHRASES HERE]**

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

**Appendix 2.**

**BILL NUMBER TR** \_\_-\_\_\_\_

TO BE INTRODUCED INTO THE MUSCOGEE (CREEK) NATIONAL COUNCIL

(DATE OF INTRODUCTION)

INTRODUCED BY: \_\_\_\_\_

SPONSOR(S): \_\_\_\_\_

COMMITTEE ON: \_\_\_\_\_

**A TRIBAL RESOLUTION OF THE MUSCOGEE (CREEK) NATION [GENERAL PURPOSE AND CONTENT DESCRIBED BY PHRASE OR PHRASES HERE]**

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

**LEGISLATION; CODIFICATION OF LAWS Title 30, Ch. 1, App. 3**

**Appendix 3.**

**BILL NUMBER NCA** \_\_-\_\_

TO BE INTRODUCED INTO THE MUSCOGEE (CREEK) NATIONAL COUNCIL

(DATE OF INTRODUCTION)

INTRODUCED BY: \_\_\_\_\_

SPONSOR(S): \_\_\_\_\_

COMMITTEE ON: \_\_\_\_\_

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING TITLE \_\_\_ OF THE CODE OF LAWS OF THE MUSCOGEE (CREEK) NATION TO [GENERAL PURPOSE AND CONTENT DESCRIBED BY PHRASE OR PHRASES HERE]**

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

**SECTION ONE. AMENDMENT.** TITLE \_\_, § \_\_ OF THE CODE OF LAWS OF THE MUSCOGEE (CREEK) NATION IS HEREBY AMENDED TO READ AS FOLLOWS:

**SECTION TWO. NEW LAW.** TITLE \_\_, CHAPTER \_\_ OF THE CODE OF LAWS OF THE MUSCOGEE (CREEK) NATION IS HEREBY AMENDED TO ADD THE FOLLOWING NEW SECTION(S) \_\_\_\_\_:

## CHAPTER 2. LEGISLATIVE DISTRICTS

### Subchapter

#### 1. Tukvpvtce District

### SUBCHAPTER 1. TUKVPTCE DISTRICT

#### Section

2-101. Purpose.

2-102. North boundary.

2-103. Applicability.

#### Historical and Statutory Notes

NCA 95-06, § 101, provides:

“Findings:

“The National Council finds that:

“A. The adoption of the 1979 Muscogee (Creek) Nation Constitution, herein referred to as the Constitution, Article VI, Section 1, did not name the districts, but established the district boundaries with corresponding Oklahoma counties in which the area of district jurisdiction is located in whole or portions thereof; thus, Hughes/Seminole boundary.

“B. The Constitution extends to the National Council the power to legislate on any subject limited only by restrictions contained in the Constitution and laws of the United States of America and the Muscogee Constitution both contain no prohibition to name a district.

“C. Two legal opinions (attachments) reaffirm that the Muscogee Constitution did not name the districts, and that it is certainly proper for the Muscogee National Council to name its districts.

“D. Hughes/Seminole, the former, is not significant to the Muscogee Nation, historically or

otherwise, the latter is more identified with the adjoining Seminole Nation.

“E. The name Tukvpvtce is more significant historically, being the Mother Town of numerous Muscogee Tribal Towns, also, being a model of the present Muscogee government.

“F. The tribal town and remains of the ceremonial ground of Tukvpvtce is permanently located within the district area.

“G. That tribal citizens met in scheduled public meetings as documented by minutes and a resolution (attachments):

“1) Tukvpvtce Tribal Town, November 5, 1994

“2) Wetumka Indian Community, November 7, 1994

“3) Holdenville Creek Community, November 15, 1994

“4) Dustin Indian Community, March 14, 1994

“5) Kialegee Tribal Town, December 8, 1994

“6) Alabama/Quassarte Tribal Town, January 12, 1995.

“All support the designated name ‘Tukvpvtce District’ by ordinance.”

#### § 2-101. Purpose

The purpose of this subchapter is to adopt, by law, a district name for the Hughes/Seminole boundary jurisdiction, which shall hereafter be known as “Tukvpvtce District”.

[NCA 95-06, § 102, approved Feb. 7, 1995.]

#### § 2-102. North boundary

The north boundary line of the district is to be specifically defined as the common boundary line of Hughes and Okfuskee counties and extending west into Seminole County to the west boundary line of the Muscogee (Creek) Nation.

[NCA 95-06, § 103, approved Feb. 7, 1995.]

**LEGISLATIVE DISTRICTS**

**Title 30, § 2-103**

**§ 2-103. Applicability**

This name designation is solely intended for the Muscogee (Creek) Nation, and not to change county boundaries nor names for the State of Oklahoma.  
[NCA 95-06, § 104, approved Feb. 7, 1995.]

## CHAPTER 3. MEETINGS OF NATIONAL COUNCIL

### Section

- 3-101. Meeting schedule.
- 3-102. Pre-Agenda Session.
- 3-103. Time and place of meetings.
- 3-104. Repealed.

### Cross References

Open meetings, see Title 37, § 5-101 et seq.

### § 3-101. Meeting schedule

Regular and quarterly meetings of the National Council are hereby scheduled for the last Saturday of each month unless otherwise ordered by the National Council.

Last Saturday in January	Quarterly Meeting
Last Saturday in February	Regular Meeting
Last Saturday in March	Regular Meeting
Last Saturday in April	Quarterly Meeting
Third Saturday in May	Regular Meeting
Last Saturday in June	Regular Meeting
Last Saturday in July	Quarterly Meeting
Last Saturday in August	Regular Meeting
Last Saturday in September	Regular Meeting
Last Saturday in October	Quarterly Meeting
Third Saturday in November	Regular Meeting
Third Saturday in December	Regular Meeting

[NCA 93-114, § 101, approved Aug. 13, 1993.]

### Library References

Indians ⇌210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 3-102. Pre-Agenda Session

The National Council Pre-Agenda Session shall commence at 9:00 A.M. in the Council Chambers of the Mound Building.

[NCA 93-114, § 102, approved Aug. 13, 1993.]

### Library References

Indians ⇌210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

### § 3-103. Time and place of meetings

All regular and quarterly meetings shall commence at 10:00 A.M. in the Auditorium of the Mound Building at the Tribal Capitol Complex in Okmulgee, Muscogee (Creek) Nation.

[NCA 93-114, § 103, approved Aug. 13, 1993.]

**MEETINGS OF NATIONAL COUNCIL**

**Title 30, § 3-104  
Repealed**

**Library References**

Indians ↻210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 3-104. Repealed by NCA 07-191, § 3, eff. Aug. 6, 2007**

## CHAPTER 4. COMPENSATION OF NATIONAL COUNCIL

### Section

- 4-101. National Council compensation classification structure and salary schedule.  
4-102. Expense reimbursements.

### Historical and Statutory Notes

NCA 92-193, § 101, provides: in the tribal legislature through the provisions  
“Policy: of a compensation program.”  
“It shall be the policy of the Muscogee Nation  
to encourage tribal leadership and participation

### § 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 range 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 the 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 4-101A 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. Any individual member of the National Council may elect to accept a smaller amount provided in the compensation salary schedule by submitting a written notification to the Speaker of the National Council.

D. 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 (Creek) Nation.

E. 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.

[NCA 92-193, § 104, approved Dec. 19, 1992; amended by NCA 00-58, § 108, approved June 30, 2000; NCA 03-205, § 1, eff. January 1, 2004; NCA 04-166, § 1, eff. Oct. 01, 2004; NCA 05-271, § 1, eff. Oct. 1, 2005.]

**Cross References**

Budget, National Council Speaker compensation, see Title 37, § 2-126.

**Library References**

Indians ⇄210, 216.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 4-102. Expense reimbursements**

A. Members of the National Council are hereby authorized to receive expense reimbursements for travel expenses associated with performing services and duties as National Council representatives. The mileage rate shall be consistent with the mileage rate established by operating policies of the Muscogee (Creek) Nation. Other travel expenses such as lodging, per diem, etc. shall also be consistent with established operating policies of the Muscogee (Creek) Nation.

B. Reimbursement documentation—Reimbursement vouchers shall be signed by individual Council members, approved by the Speaker of the National Council, forwarded to the Controller for payment and file copies shall be retained for a period of two (2) years.

[NCA 92-193, § 105, approved Dec. 19, 1992.]

## CHAPTER 5. SPEAKER

### Section

5-101. Compensation.

5-102. Duties.

### Cross References

Budget, Office of National Council Speaker, technical equipment/software maintenance, see Title 37, § 2-127.

### § 5-101. Superceded

#### Historical and Statutory Notes

This section, relating to the compensation of the Speaker, was superceded. See Title 30, § 4-101.

### § 5-102. Duties

The duties of the Speaker shall be in accordance with the “RULES OF PROCEDURES OF THE NATIONAL COUNCIL” adopted by the National Council in Session.

[NCA 00-58, § 105, approved June 30, 2000.]

### Library References

Indians ⇄216.

Westlaw Topic No. 209.

C.J.S. Indians § 59.

## **CHAPTER 6. SECRETARY OF NATIONAL COUNCIL**

### **Section**

6-101. Compensation.

6-102. Annual evaluation.

### **§ 6-101. Compensation**

A. The position of the Secretary of the National Council shall be classified in the Personnel Policy guidelines of the Muscogee (Creek) Nation as a salaried position, Grade 9, Step 1.

B. The salary of the Secretary shall be paid from Tribal funds or other available funds.

C. The Secretary of the National Council shall receive fringe benefits at a rate equal to other full time employees of the Muscogee (Creek) Nation payable from Tribal funds or other available funds.

D. The salary increase of the Secretary of the National Council is hereby established according to the "Salary and Wage Schedule" of the Muscogee (Creek) Nation. The criteria for step increases are as follows:

No Increase—Non-Meritorious Performance

One-Step—Satisfactory Performance

Two-Step—Excellent Performance

Three-Step—Superior Performance

E. The salary of the Secretary of the National Council shall be automatically increased whenever the salaries of the employees of the Office of the Principal Chief are adjusted for "Cost of Living" adjustments.

[NCA 88-97, § 103, approved Jan. 3, 1989.]

#### **Library References**

Indians ☞216.

Westlaw Topic No. 209.

C.J.S. Indians § 59.

### **§ 6-102. Annual evaluation**

The Speaker of the National Council shall, annually, evaluate the performance of the Secretary of the National Council, and may recommend a salary increase which shall be consistent with the Personnel Policy of the Muscogee (Creek) Nation.

[NCA 88-97, § 104, approved Jan. 3, 1989.]

#### **Library References**

Indians ☞216.

Westlaw Topic No. 209.

C.J.S. Indians § 59.

## **CHAPTER 7. PARLIAMENTARIAN TO NATIONAL COUNCIL**

### **Section**

- 7-101. Establishment of position.
- 7-102. Citizenship required.
- 7-103. Terms of office.
- 7-104. Duties.
- 7-105. Vacancy.
- 7-106. Method of appointment.
- 7-107. Stipend.
- 7-108. Mileage.
- 7-109. Vouchers.

### **§ 7-101. Establishment of position**

The position of Parliamentarian to the National Council is hereby established.  
[NCA 81-29, § 101, approved Feb. 5, 1981; amended by NCA 84-05, § 101, approved March 9, 1984.]

### **§ 7-102. Citizenship required**

The Parliamentarian shall be a citizen of the Muscogee (Creek) Nation.  
[NCA 84-05, § 102, approved March 9, 1984.]

### **Library References**

Indians ⇄222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### **§ 7-103. Terms of office**

The terms of office shall be for not more than two (2) years and shall terminate on December 31, of all odd numbered years.  
[NCA 81-29, § 101, approved Feb. 5, 1981; NCA 84-32, § 102, approved July 6, 1984.]

### **§ 7-104. Duties**

The Parliamentarian must attend regularly-scheduled, special and extraordinary sessions of the National Council, and upon request attend Committee meetings, and:

A. Shall advise the Speaker(s) and representatives of the National Council of proper procedures for consideration of Tribal business legally, efficiently, and impartially in accordance with the 1979 Muscogee (Creek) Constitution, the Rules of Procedure of the National Council, and Robert's Rules of Orders.

B. Upon request may assist in drafting by-laws, laws, resolutions, and minutes of the National Council.

[NCA 81-29, § 104, approved Feb. 5, 1981; NCA 84-32, § 103 approved July 6, 1984.]

### **§ 7-105. Vacancy**

In the event of a vacancy in the position of Parliamentarian, the Speaker may appoint a Temporary Parliamentarian for the unexpired term of office.

[NCA 81-29, § 106, approved Feb. 5, 1981; NCA 84-32, § 104, approved July 6, 1984.]

**§ 7-106. Method of appointment**

The Parliamentarian shall be appointed by the Speaker and approved by a majority vote of the National Council.

[NCA 81-29, § 101, approved Feb. 5, 1981; NCA 84-32, § 105, approved July 6, 1984.]

**§ 7-107. Stipend**

The Parliamentarian shall be paid a stipend of thirty-five dollars (\$35.00), in addition to mileage, for attendance at all regularly scheduled, special and extraordinary sessions of the National Council.

[NCA 81-29, § 102, approved Feb. 5, 1981; NCA 84-32, § 106, approved July 6, 1984.]

**§ 7-108. Mileage**

The Parliamentarian shall be paid mileage at Tribal reimbursement rates.

[NCA 84-32, § 108, approved July 6, 1984.]

**§ 7-109. Vouchers**

Mileage reimbursements and stipends shall be expended by the voucher system. The vouchers shall be approved (signed) by the Speaker and forwarded to the Office of the Controller for payment.

[NCA 81-29, § 103, approved Feb. 5, 1981; NCA 84-32, § 109, approved July 6, 1984.]

## CHAPTER 8. CONTEMPT OF NATIONAL COUNCIL

### Section

- 8-101. Attendance and production of records.
- 8-102. Issuance of subpoenas.
- 8-103. Contempt of subpoenas or subpoenas duces tecum.
- 8-104. Obligation of officers and employees upon proper service.
- 8-105. Service.
- 8-106. Protection of person, corporation, or legal entity subject to subpoenas.
- 8-107. Duties in responding to a subpoena.
- 8-108. Contempt.
- 8-109. Contempt by contractors.
- 8-110. Recognition of executive immunity.
- 8-111. Sovereign immunity not applicable to individuals of the Muscogee (Creek) Nation Government to avoid subpoena and/or contempt proceedings.

### § 8-101. Attendance and production of records

Require by subpoena the attendance and testimony of witnesses and the production of books, records, correspondence, memorandum, papers and documents as it deems necessary.

[Added by NCA 07-191, § 4, eff. Aug. 6, 2007.]

#### Validity

*This section was held unconstitutional by the Muscogee (Creek) Nation Supreme Court in Ellis v. Muscogee (Creek) Nation National Council, SC 05-03/05 (Muscogee (Creek) 2006).*

#### Historical and Statutory Notes

##### Derivation:

Title 30, § 8-101, added by NCA 89-74, § 102.

### § 8-102. Issuance of subpoenas

The power to issue subpoenas may only be exercised by the Speaker of the National Council or the Committee Chair of the National Council Committee from which the subpoena is issued. Authorized subpoenas shall be signed by the Speaker or the Committee Chair.

[Added by NCA 07-191, § 4, eff. Aug. 6, 2007.]

#### Validity

*This section was held unconstitutional in Ellis v. Muscogee (Creek) Nation National Council, SC 05-03/05 (Muscogee (Creek) 2006).*

#### Historical and Statutory Notes

##### Derivation:

Title 30, § 8-102, added by NCA 89-74, §§ 103, 104, 106, 107.

#### Library References

Indians ⇐210, 216.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 8–103. Contempt of subpoenas or subpoenas duces tecum**

A subpoena shall identify the name of the legislative body issuing the subpoena, the date, time, place of meeting or hearing a witness is to attend and shall specify with particularity the subject of the testimony or information sought so that a reasonable person would know the subject they are expected to testify upon and a subpoena duces tecum shall identify the name of the legislative body issuing the subpoena, the date, time, place of meeting or hearing a witness is to appear with the particular kind of documents sought so that a reasonable person would likely understand what documents have been demanded.

[Added by NCA 07–191, § 4, eff. Aug. 6, 2007.]

**Historical and Statutory Notes**

**Derivation:**

Title 30, § 8–103, added by NCA 89–74, §§ 105, 108.

**Library References**

Indians ⇌210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 8–104. Obligation of officers and employees upon proper service**

All Muscogee (Creek) Nation officers and employees shall be obligated upon service of a validly issued subpoena to attend the meeting or hearings and produce all documents as directed.

[Added by NCA 07–191, § 4, eff. Aug. 6, 2007.]

**Library References**

Indians ⇌210, 216.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 8–105. Service**

Service of a subpoena upon a person, corporation, or legal entity named therein shall be made by delivering or mailing by certified mail (restricted to the person, corporation, or legal entity named in the subpoena) a copy thereof to such person, corporation, or legal entity at least five (5) days prior to the meeting or hearing (excluding weekends and Tribal holidays). Service of a subpoena may be accomplished by any Lighthorse Officer or process server recognized by the Courts of the Muscogee (Creek) Nation.

[Added by NCA 07–191, § 4, eff. Aug. 6, 2007.]

**Library References**

Indians ⇌210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 8–106. Protection of person, corporation, or legal entity subject to subpoenas**

1. The National Council or its committee responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person, corporation, or legal entity subject to that subpoena.

2. The affected party may plead to the District Court to hear the party's right to contest the subpoena and the District Court shall quash or modify the subpoena if it:

(a) fails to provide five (5) days notice for compliance;

(b) requires disclosure of matters of executive privilege on confidential communications between the Principal Chief and/or the Second Chief, and no exception or waiver applies;

(c) subjects a person, corporation, or legal entity to undue burden or hardship;

(d) requires the production of documents or things outside the scope of the affected party's access or possession or outside the scope of the authority to possess or gain access to.

(e) is a confidential record in which disclosure is protected by law.

[Added by NCA 07–191, § 4, eff. Aug. 6, 2007.]

**Library References**

Indians ⇄210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 8–107. Duties in responding to a subpoena**

1. A person, corporation, or legal entity responding to a subpoena to appear before the National Council or a Committee of the National Council must personally appear before the National Council or the Committee of the National Council issuing the subpoena at the time and on the date stated in the subpoena or that person, corporation, or legal entity may be held in contempt of the National Council.

2. A person, corporation, or legal entity responding to a subpoena to produce documents (subpoena duces tecum) shall produce them as they are kept in the usual course of business or shall organize them to correspond to the categories requested in the subpoena to produce documents.

3. When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the National Council or the Committee of the National Council thereof to either recognize or deny the claim.

[Added by NCA 07–191, § 4, eff. Aug. 6, 2007.]

## Library References

Indians ↔210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 8-108. Contempt**

1. Failure by any person, corporation, or legal entity without adequate excuse as set forth herein to obey a subpoena served upon him or her may be deemed a contempt of the National Council.

2. A finding of contempt may be made:

(a) when by the full National Council, a majority vote of a quorum of the National Council to issue a citation of contempt.

(b) when by a Committee of the National Council, a majority vote of a quorum of the Committee of the National Council shall recommend to the full National Council that a contempt citation issue which shall be promptly considered by the full National Council. A majority vote of a quorum of the National Council shall be required to issue a citation of contempt based on the recommendation of the Committee.

3. Contempt of the National Council by Officers of the Muscogee (Creek) Nation shall be deemed misuse of government information and is to be handled in accordance with the provisions of Title 31, § 1-101 et seq.

4. Contempt of the National Council by employees of the Muscogee (Creek) Nation shall result in suspension, without pay, for five (5) working days or by termination. The punishment imposed upon the employee shall be approved by the concurrence of three-fourths (3/4) of the National Council present.

5. Any person, corporation, or legal entity who fails to cooperate with a subpoena may, in addition to the penalties described above for Officers and employees of the Muscogee (Creek) Nation may also be fined up to five hundred dollars (\$500) and imprisoned up to thirty (30) days for each contempt violation. Failure to appear or produce documents in response to a subpoena or subpoena duces tecum may be deemed a separate contempt violation for each day where compliance with the subpoena or subpoena duces tecum has not occurred.

6. Any person, corporation, or legal entity who believes they have good cause to contest the subpoena or subpoena duces tecum shall so notify the National Council Secretary by written document at least twenty-four (24) hours before the time and date shown for appearance by the person, corporation, or legal entity or production of documents as shown in the subpoena or subpoena duces tecum and then appear or cause a legal representative to appear at the designated time and place on the date so stated in the subpoena or subpoena duces tecum to state their objection. Only after such appearance may the person, corporation, or legal entity who believes they have good cause to contest the subpoena or subpoena duces tecum file with the District Court of the Muscogee (Creek) Nation a Petition for a Protective Order requesting the quashing or modification of the subpoena or subpoena duces tecum. The person, corporation, or legal entity filing the Petition for a Protective Order shall have the burden of proof by a clear and convincing evidence standard to

show the Court that a subpoena or subpoena duces tecum should be quashed or modified. Upon filing of a Petition for a Protective Order the District Court of the Muscogee (Creek) Nation shall provide notice to the National Council Secretary of the filing within twenty-four (24) hours of the filing and set the date for hearing on the Petition within fifteen (15) business days from the date of filing the Petition. In all other respects the Petition shall be treated as any other civil case.

[Added by NCA 07–191, § 4, eff. Aug. 6, 2007.]

**Library References**

Indians ☞210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 8–109. Contempt by contractors**

A. Persons who have entered into contracts to do business with the Muscogee (Creek) Nation who are subpoenaed to appear before the National Council, or any Committee thereof, to provide information and fail to do so shall be deemed to be in contempt of the National Council.

B. Persons who have entered into a contract to do business with Muscogee (Creek) Nation who are in contempt of the National Council shall have their contracts canceled immediately and shall not be permitted to enter into contracts with the Nation at any time in the future.

[Added by NCA 07–191, § 4, eff. Aug. 6, 2007.]

**Historical and Statutory Notes**

**Derivation:**

Title 30, § 8–103, NCA 89–74, §§ 105, 108,  
veto overridden June 24, 1989.

**Library References**

Indians ☞210.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 57 to 59, 66 to 72.

**§ 8–110. Recognition of executive immunity**

The immunity of the Principal Chief and the Second Chief by virtue of their elected positions to the Executive Branch of the Muscogee (Creek) Nation Government and accordingly, they are not subject to this law.

[Added by NCA 07–191, § 4, eff. Aug. 6, 2007.]

**Library References**

Indians ☞210, 216, 404.  
Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72, 151 to  
179.

**§ 8–111. Sovereign immunity not applicable to individuals of the Muscogee (Creek) Nation Government to avoid subpoena and/or contempt proceedings**

The sovereign immunity of the Muscogee (Creek) Nation shall not be abused by any officer or employee of the Nation and shall not be used as a purported

**CONTEMPT OF NATIONAL COUNCIL**

**Title 30, § 8–111**

defense or to allow avoidance of National Council or Committee of the National Council Subpoena and/or contempt of the National Council or Committee of the National Council.

[Added by NCA 07–191, § 4, eff. Aug. 6, 2007.]

**Library References**

Indians ☞210, 216, 405.  
Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72, 151 to  
179.

