

**BILL NUMBER NCA 19-031**

**TO BE INTRODUCED INTO THE MUSCOGEE (CREEK) NATIONAL COUNCIL**

**January 28, 2019**  
**(DATE OF INTRODUCTION)**

**INTRODUCED BY: Office of the Principal Chief**

**SPONSOR(S): David Hill**

**CO-SPONSOR(S): Robert Hufft; Travis Scott; Darrell Proctor; Adam Jones III**

**COMMITTEE ON: Business, Finance & Justice**

**CLASSIFICATION: 16-Executive Branch**

1 **A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 16**  
2 **CHAPTER 11, ENTITLED “MVSKOKE MEDIA” AND CREATING A NEW LAW,**  
3 **ENTITLED “SHIELD ACT”**  
4

5 **Be it enacted by the National Council of the Muscogee (Creek) Nation:**  
6

7 **SECTION ONE. AMENDMENT.** These amendments shall be codified in Title 16,  
8 Chapter 11, of the Code of Laws of the Muscogee (Creek) Nation; provided that for  
9 purposes of codification of said amendment and its inclusion in pocket parts of the Code  
10 of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized:  
11 (1) to approve any changes related to the manner in which sections, articles, chapters  
12 and sub-chapters are designated consistent with the format in the Code of Laws  
13 published in 2010 by West Publishing Company; (2) to include footnoted references to  
14 the legislative history in said pocket parts to the Code of Laws and (3) to note in said  
15 pocket parts any editorial correction of minor clerical or grammatical errors in the  
16 following amendment, without further National Council approval:  
17

18 § 11-101. Mvskoke Media.  
19

20 Mvskoke Media, ~~shall be independent from political influence in its editorial~~  
21 ~~content (Mvskoke News, Mvskoke Radio and Mvskoke Vision). All editorial~~  
22 ~~content and review shall be at the discretion of the Mvskoke Media Managing~~  
23 ~~Editor and Editorial Board, only. Mvskoke Media financial oversight and~~  
24 ~~budgeting shall be a coordinated effort between the Mvskoke Media Director~~  
25 ~~under the direction of~~ **and** ~~the Secretary of the Nation and Commerce, shall consist of~~  
26 ~~the newspaper (Muscogee Nation News), as well as the television (Native News Today)~~  
27 ~~and radio (Mvskoke Radio) broadcast outlets and the Graphic Design and Printing and~~  
28 ~~Website Design divisions and social media and any other forms of media. Mvskoke~~  
29 ~~Media will~~ **shall** ~~also include support staff, such as, administrative and IT staff.~~  
30

31 § 11-102. Advertising Policy.  
32

33 A. Mvskoke Media is authorized to accept commercial display advertising  
34 from chartered communities of the tribe, individual businesses owned by enrolled tribal

1 citizens and other businesses that wish to direct advertising to the outlet's readers,  
2 viewers and listeners. **All news reported shall adhere to the standards of accepted**  
3 **ethics of journalism as defined by the Society of Professional Journalists, as well**  
4 **as attempt to reconcile those ethics with the customs and traditions of Muscogee**  
5 **(Creek) people.**  
6

7 B. Mvskoke Media is authorized to accept political advertising that conforms  
8 to policy and procedure set forth by the Secretary of the Nation and Commerce.  
9

10 **C. The Mvskoke Media staff shall not, directly or indirectly, solicit,**  
11 **receive or in any manner be concerned in soliciting or receiving any assessment,**  
12 **subscription or any contribution for any political organization, candidacy or other**  
13 **political purpose. The Mvskoke Media Staff shall not participate in any political**  
14 **campaign or be involved in any tribal political activity, except to exercise his or**  
15 **her right as a citizen to express his or her individual opinion and cast his or her**  
16 **right to vote.**  
17

18 **D. Mvskoke Media broadcasts and publications shall not be considered**  
19 **an official capacity of Muscogee (Creek) Nation and shall not include the**  
20 **Muscogee (Creek) Nation official Seal on any materials.**  
21

22 § 11-103. Equipment.  
23

24 ~~All equipment currently used by Mvskoke Media staff (Muscogee Nation News, Native~~  
25 ~~News Today, Mvskoke Vision and Mvskoke Radio) shall be retained by Mvskoke Media~~  
26 ~~under the Secretary of the Nation and Commerce.~~  
27

28 § 11-104~~3~~. Access.  
29

30 All reporters, radio and video crews are allowed access to tribal complex and Muscogee  
31 (Creek) Nation facilities.  
32

33 § 11-105~~4~~. Creative Rights.  
34

35 Mvskoke Media shall retain the rights to previously produced media, including but not  
36 limited to, written, visual or audio creations and interviews.  
37

38 **§ 11-105. Editorial Board.**  
39

40 **The Editorial Board shall consist of three (3) members, of which at least two (2)**  
41 **members shall be enrolled Muscogee (Creek) citizens or citizens of another**  
42 **federally recognized tribe if qualified Muscogee (Creek) citizens are not available.**  
43

44 **A. One (1) member of the Board shall be selected by the Principal Chief**  
45 **and One (1) member to be selected by the National Council. The third member of**  
46 **the Board will be selected by the members of the Board. Two (2) Editorial Board**  
47 **members shall constitute a quorum to perform reviews of editorial content.**  
48

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

1  
2 **C. One member shall serve as Chairman, one member to serve as Vice-**  
3 **Chairman and one member to serve as Secretary. Board Members shall**  
4 **designate, amongst themselves, said officers.**  
5

6 **D. To be eligible to serve on the Board, a person must:**

- 7 1. **be at least 25 years of age**
- 8 2. **one board member must have a background in Tribal law;**
- 9 3. **two board members must have experience in the journalism**  
10 **field, either as management, operations, editorial staff or**  
11 **reporting experience**
- 12 4. **one board member must have a bachelor's degree or higher in**  
13 **journalism or a related field;**
- 14 5. **be of good character and have a reputation of integrity;**
- 15 6. **be physically able to carry out the duties of office, with or**  
16 **without reasonable accommodations; and**
- 17 7. **certify he or she will adhere to the standards of accepted**  
18 **ethics of journalism as defined by the Society of Professional**  
19 **Journalist, as well as attempt to reconcile those ethics with the**  
20 **customs, traditions and protection of the Muscogee (Creek)**  
21 **people and its government.**  
22

23 **E. Board Members shall serve their terms of office free from political**  
24 **influence from any governmental branch of the Muscogee (Creek) Nation or**  
25 **any department or entity of the Muscogee (Creek) Nation and may only be**  
26 **removed for cause subject to Title 31.**  
27

28 **F. The board members will only meet when requested to review**  
29 **editorial content. Reviewing of editorial content will be at the discretion of**  
30 **the Mvskoke Media Managing Editor and Editorial Board, and Board**  
31 **Members shall work with the Mvskoke Media Managing Editor to ensure**  
32 **any reviewed content meets submission deadlines. Board members will not**  
33 **receive a stipend. The board members shall be provided reimbursement of**  
34 **reasonable expenses (mileage and \$50.00 per meeting, not to exceed two**  
35 **meetings a month) in regard to their duties.**  
36

37 **G. No member of the board shall, directly or indirectly, solicit, receive or**  
38 **in any manner be concerned in soliciting or receiving any assessment,**  
39 **subscription or contribution, for any organization, candidacy or other**  
40 **political purpose. The board members shall not participate in any political**  
41 **campaign or be involved in any tribal political activity, except to exercise**  
42 **his or her right as a citizen to express his or her individual opinion and cast**  
43 **his or her right to vote. Nothing herein shall prevent political organizations**  
44 **or candidates from purchasing advertisements in any medium operated by**  
45 **Mvskoke Media.**  
46

47 **H. A board member cannot work for the executive or legislative**  
48 **branches, or Mvskoke Media.**  
49

1 I. The deadline to have the Editorial Board in place shall be May 1,  
2 2019.

3  
4 **§ 11-106. Powers and Duties.**

5  
6 **The Editorial Board shall have the following powers and duties:**

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

12  
13 **B. To review departmental policies to ensure fairness and**  
14 **professionalism in all department practices.**

15  
16 **C. To hold public periodic meetings in order to conduct official**  
17 **department business and policy review.**

18  
19 **D. To provide a Quarterly Report to the Office of the Principal Chief and**  
20 **the National Council describing the activities and accomplishments of Mvskoke**  
21 **Media over the previous quarter.**

22  
23 **SECTION TWO. NEW LAW.** The following new law shall be codified in Title 16 of  
24 the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of  
25 codification of said new law and its inclusion in pocket parts for the Code of Laws of the  
26 Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve  
27 any changes related to the manner in which sections, articles, chapters and sub-  
28 chapters are designated in this law in order to be consistent with the format in the Code  
29 of Laws published in 2010 by West Publishing Company; (2) to include footnoted  
30 references to the legislative history in said pocket parts to the Code of Laws; and (3) to  
31 note in said pocket parts any editorial correction of minor clerical or grammatical errors  
32 in the following new law.

33 **SUBCHAPTER 2. SHIELD ACT**

34  
35 **§ 11-201. Establishment.**

36  
37 **The Shield Act is hereby established to affirm the independence of a free media in**  
38 **the Muscogee (Creek) Nation by providing protection of journalistic sources and**  
39 **information from disclosure in any Muscogee (Creek) Nation proceeding.**

40  
41 **Definitions.**

42  
43 **A. "Information" includes any written, oral or pictorial news or any**  
44 **digital or tangible record.**

45  
46 **B. "Journalist" means any person who is a reporter, photographer,**  
47 **editor, commentator, journalist, correspondent, announcer, videographer, or**  
48 **other individual regularly engaged in obtaining, writing, reviewing, editing, or**  
49 **otherwise preparing news for any newspaper, periodical, press association,**  
50 **newspaper syndicate, wire service, website, radio or television station, or other**

1 news service. Any individual employed by any such news service in the  
2 performance of any of the above-mentioned activities shall be deemed to be  
3 regularly engaged in such activities. All Mvskoke Media editorial staff and the  
4 Secretary of the Nation and Commerce shall be covered under this definition.  
5

6 C. “Medium of communication” includes any newspaper, other  
7 periodical, book, all forms of social media, pamphlet, website, podcast, news  
8 service, wire service, news or feature syndicate, broadcast station or network,  
9 cable television system, video, live stream, or other record.  
10

11 D. “Muscogee (Creek) Nation proceeding” includes any proceeding or  
12 investigation before or by any judicial, legislative, executive or administrative  
13 body within the Muscogee (Creek) Nation.  
14

15 E. “Processing” includes compiling, storing and editing of information.  
16

17 F. “Published information” means any information disseminated to the  
18 public by the person from whom disclosure is sought.  
19

20 G. “Unpublished information” includes information not disseminated to  
21 the public by the person from whom disclosure is sought, whether or not related  
22 information has been disseminated, and includes, but is not limited to, all notes,  
23 outtakes, photographs, video clips or other data of any type not itself  
24 disseminated to the public through a medium of communication, whether or not  
25 published information based upon or related to such material has been  
26 disseminated.  
27

#### 28 § 11-202. Journalistic Protections. 29

30 A. No journalist shall be required to disclose in a Muscogee (Creek)  
31 Nation proceeding either:  
32

- 33 1. The source of any published or unpublished information  
34 obtained in the gathering, receiving or processing of  
35 information for any medium of communication to the public; or
- 36 2. Any unpublished information obtained or prepared in  
37 gathering, receiving or processing of information for any  
38 medium of communication to the public; unless the court finds  
39 that the party seeking the information or identity has  
40 established by clear and convincing evidence that such  
41 information or identity is relevant to a significant issue in the  
42 action and could not with due diligence be obtained by  
43 alternate means.  
44

45 B. This section does not apply with respect to the content or source of  
46 allegedly defamatory information, in a civil action for defamation wherein the  
47 defendant asserts a defense based on the content or source of such information.  
48

49 **SECTION THREE. AMENDMENT.** These amendments shall be codified in Title 16 of  
50 the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of

1 codification of said amendment and its inclusion in pocket parts of the Code of Laws of  
2 the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to  
3 approve any changes related to the manner in which sections, articles, chapters and  
4 sub-chapters are designated consistent with the format in the Code of Laws published  
5 in 2010 by West Publishing Company; (2) to include footnoted references to the  
6 legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket  
7 parts any editorial correction of minor clerical or grammatical errors in the following  
8 amendment, without further National Council approval:  
9

10 § 1-102  
11

12 H. DEPARTMENT OF COMMERCE  
13

14 Office of the Secretary of the Nation and Commerce

- 15 1. Uniform Commercial Code Management
- 16 2. Mvskoke Loan Fund/CDFI
- 17 3. Planning, Grants and Self-Governance
- 18 4. Contracting and Employment Support Office
- 19 5. Mvskoke Media
  - 20 a. ~~Muscogee Nation News~~
  - 21 b. ~~Native News Today~~
  - 22 c. ~~Mvskoke Radio~~
  - 23 d. ~~Graphic Design and Printing~~
  - 24 e. ~~Website Design~~
  - 25 f. ~~Mvskoke Vision~~
- 26 6. Public Relations
- 27 7. Tourism and Recreation  
28

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