

TABLE OF CONTENTS

PREAMBLE AND CONSTITUTION 1

Sec. 101. Supremacy of the Muscogee (Creek) Nation Constitution and Tribal Ordinances..... 1

Sec. 102. National Council Policy and Procedures 1

Sec. 103. Non-delegable Powers 1

Sec. 104. Authority for Rules of Procedures..... 1

Sec. 105. Amendments to Rules of Procedures 1

Sec. 106. Suspension of Rules of Procedures..... 1

Sec. 107. Questions of Rules of Procedures 2

Sec. 108. National Council Officers 2

Sec. 109. Removal of National Council Member..... 4

Sec. 110. Replacement of National Council Officers..... 4

Sec. 111. Duties of the Speaker/Second Speaker 4

 A. Conduct Business on Behalf of the National Council..... 4

 B. Preside 5

 C. Maintain Order and Decorum 5

 D. Set Agenda..... 6

 E. Recognize Person to Debate 7

 F. Call for the Question/Voting Procedures 7

 G. Review and Assign Proposed Legislation 8

 H. Return Proposed Legislation 8

 I. Appoint Standing Committee Members 8

 J. Authorize the Selection process of Member(s) to the Committees on Internal Affairs..... 9

 K. Signature Authority 9

L.	Approve Expenditures	9
M.	Review and Authorize Correspondence	10
N.	Sign Approved Minutes	10
O.	Organize and Supervise National Council Staff	11
P.	Designate a Speaker to preside Over Meetings	11
Q.	Advice of the Office of the Attorney General	11
R.	Advice of the National Council Attorney	12
Sec. 112.	Duties of the Sergeant-at-arms	12
Sec. 113.	National Council Members	13
A.	Overall Duties and Responsibilities	13
B.	Dress Code	14
C.	Term of Office	14
D.	Voting	14
E.	Compensation	14
F.	Gifts	16
G.	Rules of the National Council on Discipline of its Members ..	20
Sec. 114.	Ex-Officio Members	33
Sec. 115.	Sessions	33
A.	Quorum	33
B.	National Council Term of Session	33
C.	Motions	33
D.	Voting Procedures	34
E.	Committee As A Whole	34
F.	Meeting Agenda	35
G.	Planning Session	35
H.	Pre-Agenda Session	35
I.	Regular Session	35
J.	Quarterly Reports	36
K.	Special Session	36
L.	Emergency Session	36
M.	Work Session	37
N.	Inaugural Session	37
O.	Open Meetings	37

P.	Record or Live-Stream Meetings.....	37
Q.	Executive Session	37
R.	Adjournment	37
S.	Special Circumstances	38
Sec. 116.	Legislation	38
A.	Proposed legislation initiated by a National Council Member	38
B.	Proposed legislation initiated by persons in the Judicial, Executive branches	40
C.	Proposed legislation initiated by tribal citizens:.....	40
D.	Statute Designation	41
E.	Proposed Legislation Removed from a Standing Committee	41
F.	Vetoed Legislation/Veto Message.....	41
G.	Proposed Legislation Not Adopted by the End of the Calendar Year	42
H.	Proposed Legislation Not Adopted by the End of the Session	42
Sec. 117.	Committees Establishment and Jurisdiction	42
A.	Committees	42
B.	General Committee Rules and Formation.....	42
C.	Standing Committee Oversight Responsibilities	43
D.	Standing Committee Legislative Responsibilities.....	43
E.	Standing Committee Reports	43
F.	Standing Committee on Business, Finance, & Justice.....	44
G.	Standing Committee on Land, Natural Resources, & Cultural Preservation	44
H.	Standing Committee on Health, Education, & Welfare Committee	44
I.	Committee Policies and Miscellaneous Procedure Meetings	44
J.	Select Committee on Internal Affairs.....	45
K.	Select Committee on Fact-Finding and Investigations	46
L.	Committee Staff.....	46
Sec. 118.	Executive Sessions for National Council and Committees	47
Sec. 119.	Nominees and Nominee Interviews.....	47

PREAMBLE AND CONSTITUTION

Sec. 101. Supremacy of the Muscogee (Creek) Nation Constitution and Tribal Ordinances

The 1979 Constitution of the Muscogee (Creek) Nation and tribal laws of the Muscogee (Creek) Nation are hereby declared to be supreme to these Rules of Procedures. The National Council shall abide by the Constitution and tribal laws while conducting official business.

Sec. 102. National Council Policy and Procedures

These Rules of Procedures shall reflect the standards of operation for official business conducted by the National Council.

Sec. 103. Non-delegable Powers

The Muscogee (Creek) National Council is entrusted with certain enumerated powers as determined by the 1979 Constitution of the Muscogee (Creek) Nation. The powers so enumerated are non-delegable and it is the duty of the National Council to carry out such powers. Contained in such powers are those powers that are implied and inherent, including but not limited to determining its own Rules of Procedures; the power to investigate; the power to subpoena; and the power to hold in contempt.

Sec. 104. Authority for Rules of Procedures

“The Muscogee (Creek) National Council shall determine the rules of its proceedings”- (*Article VI, Section 4. (B) of the Muscogee (Creek) Nation Constitution*).

Sec. 105. Amendments to the Rules of Procedures

These Rules of Procedures may be amended by majority vote of the National Council at any official Regular and Quarterly Session only, with a quorum present. The motion to amend shall be offered under “Other Business”. Representatives offering amendments shall announce such intentions during the Planning Session and have adequate copies available for distribution, with changes redlined.

Sec. 106. Suspension of Rules of Procedures

The suspension of any of these Rules of Procedures shall require a 2/3 vote of the National Council present with a quorum, and shall specify which rule is to be temporarily suspended for that particular meeting.

Sec. 107. Questions of Rules of Procedures

- A. When a question of procedure is raised by a Member and the Speaker determines that these Rules of Procedures are not conclusive the Speaker shall make a ruling.
- B. If there remains a disagreement over the Speaker's ruling, a motion to appeal the ruling of the Speaker is in order.
- C. The ruling of the Speaker on the ruling in question may be overturned by a 2/3 vote of the National Council present and in quorum. Such vote of the Council on the ruling shall be final for that ruling in question.

Sec. 108. National Council Officers

- A. The following officers of the National Council shall be established under these rules of Procedures
 - 1. Speaker
 - 2. Second Speaker
 - 3. Sergeant-at-Arms
- B. Officers of the National Council shall be elected by all members at the inaugural session of the National Council that is held after the first day of January. The officer elections shall occur immediately following the taking of the Oath of Office of the members of the National Council elected during the previous regularly scheduled election.
 - 1. If the previous Speaker is still a member of the National Council, he or she shall preside on the election of the Speaker; or
 - 2. If the previous Speaker is no longer a member of the National Council, any member of the National Council may make a motion to elect a Chairman Pro Tem to Chair the meeting until Officers are elected by majority vote of the National Council. Upon receiving a second to the motion,

the name of the Council member to be considered for Chairman Pro Tem shall be placed before the National Council but not yet to be voted upon until all motions and seconds are made by any Member of the National Council for names to be considered for Chairman Pro Tem. After the first motion and second, any Member may make a motion to close the nominations, and upon receiving a second to the motion to close nominations, a vote shall be taken and recorded for any names nominated for Chairman Pro Tem. After the election of the Chairman Pro Tem, nominations and vote shall be taken for the Speaker of the National Council.

3. Upon the election of the Speaker, the authority of the Chairman Pro Tem or previous Speaker shall end, and the Speaker shall thereafter preside on the election of the Second Speaker and the Sergeant at Arms.
4. If there is a tie vote for any Officer, the tie shall be broken by:

Both of the nominee's names shall be placed in a container and one of the nominee's name shall be drawn by the Speaker/Chairman Pro Tem. The winner of the drawing shall then call heads or tails during a coin toss. The winner of the coin toss shall be deemed the winner.

- C. The officers of the National Council shall serve the entire two (2) year term of the Council Session and until the first meeting after the first day of January after a regularly scheduled election occurs, or until: (1) removal from the National Council as a Member; (2) resignation; (3) death; or (4) by a 2/3 vote of the full Council at any National Council session that an officer can be removed for the following reasons:
 1. Failure to uphold the duties of the National Council office;
 2. Slander or harassment of fellow council members or any Muscogee (Creek) Nation employee; or
 3. Failure to represent the National Council in a professional manner.

Sec. 109. Removal of National Council Member

- A.** Pursuant to Article VIII of the Constitution of the Muscogee (Creek) Nation, the National Council shall enact an ordinance outlining procedures and causes for removal. Such procedures shall contain, but not limited to, the certification of the required petition, as provided in Section 2 and 3 of Article VIII and a show of cause for removal, giving the accused an impartial, hearing and allowance of time to answer to notice of such hearing.
- B.** Pursuant to Section 2 of Article VIII of the Constitution of the Muscogee (Creek) Nation removal of a National Council member shall require a signed petition showing cause of removal containing twenty percent (20%) of registered voters in a district shall be cause to consider removal of a council member.
- C.** The Ordinance on Removal of National Council Members shall comply with the rules as set out in Article VIII of the Constitution of the Muscogee (Creek) Nation and shall specify what constitutes “for cause” for removal. Such Ordinance shall supersede these National Council Rules except for parliamentary procedure. A vote of three-fourths (3/4) of the National Council present in a quorum for removal from office will be taken to achieve removal, pursuant to the Ordinance.

Sec. 110. Replacement of National Council Officers

Upon vacancy of the Office of Speaker, the Second Speaker shall assume the duties of the Speaker. The election to replace an officer shall be conducted in the same manner as the election of National Council Officers. An election to replace an officer shall not occur during the last calendar month of any Session of the National Council. Provided that, should the Office of Speaker become vacant, the Second Speaker shall assume the duties of Speaker until the next meeting of the National Council.

Sec. 111. Duties of the Speaker/Second Speaker

A. Conduct Business on Behalf of the National Council

The Speaker shall have the authority to conduct business on behalf of the National Council as set forth by law and these

Rules of Procedures. The Speaker shall represent the National Council and conduct business at intertribal and intra-governmental functions as deemed necessary. The Speaker shall endeavor to keep the full National Council apprised of all issues relevant to the National Council in writing, including reports on discussions, meetings, or otherwise with the Executive and Legislative branches of the Nation, that impact the National Council as a whole. The Speaker shall provide a written report each Friday and disseminate such report to the members of the National Council. In the event there are inquiries from members of the National Council or citizens of the Nation, the Speaker shall address the issue and provide a response within thirty-six (36) hours of contact, excluding weekends and holidays.

At the discretion of the Speaker, or in his absence, the Second Speaker shall assume the authorities of the Speaker as set forth by law and these Rules of Procedures.

B. Preside

The Speaker shall preside over National Council meetings and remain totally neutral showing or verbalizing no bias with all legislation. The Speaker will decide or rule on “points of order.” The Speaker will not preside over Committee meetings, except the Fact-Finding and Investigations Committee if he/she is the duly elected Chairperson.

C. Maintain Order and Decorum in Regard to National Council Members Conduct

A Member must conduct themselves in such a manner so as to bring honor and dignity to the position for which the Muscogee citizens have elected them. A Member shall not disrupt the decorum of the Council.

The Speaker will preserve order and decorum.

1. A Member is out of order who:
 - (a) Directly addresses another Member instead of the Speaker;

- (b) Fails to confine their remarks to the merits of the motion;
 - (c) Engages in disruptive activity;
 - (d) Speaks more than twice on an item;
 - (e) Speaks before being recognized by the Speaker;
 - (f) Slanders another;
 - (g) Speaks in a loud and abusive manner;
 - (h) Conducts themselves in a less than respectful manner;
 - (i) Excuses themselves from any meeting without acknowledgment from the Speaker;
 - (j) Knowingly states, conveys, expresses, and/or repeats false information, facts, figures, or data, or refers to such false material;
 - (k) Uses a cell phone during a full National Council Session; or
2. A member of the National Council may be removed from a meeting for disorderly conduct. The vote to remove a National Council member from a meeting shall be two-thirds (2/3) of the National Council present.

D. Set Agenda

- 1. The Speaker shall prepare or have prepared the agenda for National Council Session(s).
- 2. Items reported from a standing committee at the Planning Session shall be placed upon the Regular Session or Quarterly agenda.
- 3. Items not reported from a standing committee at the Planning Session may be placed on the Regular or Quarterly Session agenda, if such items are presented at

Planning Session. Such items presented must be met upon by the appropriate standing committee prior to Regular or Quarterly Session.

4. Items not reported from a standing committee at Planning Session may be placed upon the agenda under Other Business when a motion is adopted suspending the rules and placing the item on the agenda. Motion shall state to suspend Section 116, Paragraph E to pull Bill No. _____ from Committee to be placed on the agenda for consideration and meet as a Committee-As-A-Whole.
5. Items other than called for by the Principal Chief may be placed upon the agenda of any Extraordinary Session if agreed upon by majority vote of the National Council.
6. The Speaker shall have the authority to place individuals upon the agenda under the following procedures:
 - (a) Muscogee (Creek) citizens or employees shall submit a written request, to the Speaker, briefly explaining their reasons for wanting to address the Council.

E. Recognize Person to Debate

The Speaker will first recognize the sponsor of any proposed legislation. Upon receiving a second, debate on the proposed action shall be allowed. The maker of the motion should be allowed to speak first. Debate should be limited to two questions per Council Member. Members that have not spoken should be recognized prior to recognizing a Member a second time. No Member shall be allowed no more than two questions or two statements regarding the legislation.

Persons other than the Council members shall ONLY be allowed to speak during session meetings for the purpose of explaining the legislation or answering questions. Such persons shall NOT be allowed to debate the motions on the floor nor ask representatives questions. The Speaker may set time limits to presenters or responses.

F. Call for the Question/Voting Procedures

1. The Speaker should put questions requiring a roll call vote in this form: “Those voting for the motion should vote ‘Yes’ those opposed to the motion should vote ‘No’.”
2. A Motion to Recount/Reconsider/Readdress is only in order before a motion has been made closing the agenda.
 - (a) Recount is only to verify actual number of votes.
 - (b) Reconsider is to allow a member of the prevailing side to change his/her vote.
 - (c) Readdressing a bill.
 - (d) Motion shall require majority vote.
3. The Speaker shall vote in only two (2) instances, while the National Council is meeting:
 - (a) The Speaker shall vote when a motion has received a “tie” vote.
 - (b) The Speaker shall vote on motions to override a “veto”.

G. Review and Assign Proposed Legislation

The Speaker shall review and assign proposed legislation to the proper committee of jurisdiction. The Speaker shall consult with each committee chairperson concerning issues pending before their respective committee.

H. Return Proposed Legislation

The Speaker shall return proposed legislation not received in proper form and procedurally to any branch or person initiating such legislation. The Speaker shall state the reasons for the return and may make such recommendations as he/she deems appropriate.

I. Appoint Standing Committee Members

The Speaker, Second Speaker and the Sergeant-at-Arms shall have the authority to appoint any and all members to the three (3) established Standing Committees:

- 1) Health, Education, & Welfare;
- 2) Business, Finance, & Justice; and
- 3) Land, Natural Resources, & Cultural Preservation.

When the need arises, only the Speaker may make reassignment of members to the Standing Committees after consultation with respective parties and with the approval of the Internal Affairs Committee.

J. Authorize the Selection Process of Member(s) to the Committees on Internal Affairs and Fact-Finding and Investigations

At the beginning of each session, the Senior District Representative shall select whether to be seated on the Select Committee on Internal Affairs or the Select Committee on Fact-Finding and Investigations Committee. The Junior District Representative shall be seated on the other Select Committee not selected by the Senior District Representative.

K. Signature Authority

The Speaker shall have the authority to sign all acts, resolutions, laws, writs, warrants and subpoenas of or issued by order of the National Council.

L. Approve Expenditures

The Speaker shall have authority to approve all expenditures approved through the appropriate budget ordinance except expenditures exceeding \$10,000.00. Expenditures which have been approved through the appropriate budget ordinance, exceeding \$10,000.00, shall first be approved by the Business, Finance, & Justice Committee. Expenditures shall include but not be limited to: Mileage claims; travel authorizations; office expenditures such as purchase requisitions, authorization for payment and reimbursement vouchers; and time cards.

Travel Authorization. All Standing Committee related travel monies appropriated through the budget process shall be divided equally between each Council Member. The amount will be provided at the beginning of the fiscal year. If a Member exceeds their share of the travel monies, they shall request, in writing, permission to utilize another Member's share, with the Speaker's approval. To ensure fiscal responsibility and cost effectiveness, all travel requests should be made in advance so as to take advantage of any early bird rates, hotel group rates, etc. In the event a trip is not cancelled in a timely manner, (except for emergency situations, including, but not limited to a family death, illness of the member or immediate family member) the Member is responsible for paying back any non-refundable fees including but not limited to: Registration fee, airfare service charge, hotel cancellation, etc. (Extenuating circumstances will be evaluated by the Speaker on a case-by-case basis in such situations)

M. Review and Authorize Correspondence

1. The Speaker shall review all incoming correspondence addressed to the National Council.
2. The Speaker shall review and authorize all out going correspondence representing the entire National Council.
3. The Speaker shall distribute such correspondence as necessary.

Note: The Speaker shall have no authority to review any correspondence directed to individual Representatives. Correspondence disseminated by individual Representatives shall not indicate that such correspondence represents the full Council.

N. Sign Approved Minutes

The Speaker or the Second Speaker shall sign all minutes approved by the National Council.

O. Organize and Supervise National Council Staff

1. The Speaker shall assign the offices space of the National Council employees.
2. The Speaker shall have the full authority to supervise all National Council staff, per the National Council personnel policy manual. Such supervision shall include but not be limited to approving annual leave and compensatory time.
3. The Speaker shall conduct annual staff evaluations before annual budget submission, and shall forward to Human Resources.
4. When non-governmental events of interest come to the Speaker's attention or the attention of National Council staff, National Council members shall be informed in a timely manner. Examples of non-governmental events shall include but not be limited to the serious illness or death of National Council members and family members, and the death of former National Council members.

P. Designate a Speaker to Preside Over Meetings

The established order of succession shall be:

1. Second Speaker
2. Sergeant-At-Arms
3. Any other National Council Member, by seniority first and then, if necessary, by Committee Chair.

Q. Advice of the Office of the Attorney General

The Speaker/Second Speaker shall request the Attorney General's Office to submit revisions in contracts or legislative amendments to the National Council secretary in a timely and expeditious manner.

The Speaker, or in his absence, the Second Speaker, shall request to the Attorney General's Office both verbally and in

writing that all revisions in contracts or legislative amendment recommendations from his/her office be in the possession of the National Council Secretary in time for copying and distribution no later than by noon of the date set for Planning Session. This will allow adequate time for the National Council Representatives' perusal of said recommendations before the Regular or Quarterly Sessions.

R. Advice of the National Council Attorney

All Committees within the National Council may request that the National Council Attorney appear at their Committee meetings to render legal advice.

Standing and Select Committees, Committee as a Whole, or any other Committee that is established within the National Council may by a motion and a second at any meeting where a quorum is present, request the National Council Attorney's attendance at one of their future meetings to address their concerns. The Speaker/Second Speaker as a courtesy shall contact the Council Attorney and the Council Attorney shall be made available per the Committee's request. Adequate notice (minimum of 3 days) will be given to the Council Attorney so that he/she may appear in a timely manner. The Committee's request to the Speaker/Second Speaker will detail the nature of the request so that the Council Attorney will have knowledge of the subject at hand and come adequately prepared.

Sec 112. Duties of the Sergeant-At-Arms

When the Speaker or Chairperson of a Committee determines that persons are engaged in such disruptive behavior that they should be removed, the Speaker or Chairperson may:

- A.** Ask for assistance from the Sergeant-At-Arms and if the individual(s) do not comply with the request to leave, the Sergeant-At-Arms has full authority to remove or have removed the offending person(s).
- B.** If the individual/s continue to engage in disruptive behavior so as to continue to disrupt the meeting, the Sergeant-At-Arms or Chairperson of a Committee shall have the authority to notify the Lighthorse and have the alleged perpetrator/s detained,

removed from the property, arrested;

- C. The Sergeant-At-Arms shall assist the Speaker in gathering the National Council Members for a quorum;
- D. The Sergeant-At-Arms shall assist the Speaker to maintain decorum in the meeting room by having the authority to calm any disturbance that the Sergeant-At-Arms may observe; and
- E. The Sergeant-At-Arms, unless excused for good cause by the Speaker or Committee Chair, shall attend all National Council and Committee meetings.

Sec. 113. National Council Members

A. Overall Duties and Responsibilities

Every member of the National Council shall be present during scheduled meetings unless excused or necessarily prevented; and shall vote on each question put, unless they have a direct personal or pecuniary interest in such question. Every member shall diligently attend each meeting of the National Council and committee to which they are assigned. Every Member is eligible to introduce and/or sponsor any legislative action. Excused Absences are limited to the following circumstances:

1. Official or Personal Travel Status of the Representative;
2. Death of an Immediate Family Member;
3. Graduation of an Immediate Family Member;
4. Hospitalization of the Member or Immediate Family Member;
5. Illness of the Member or Immediate Family Member; or
6. Emergency situations.

Only the Speaker or the Chair of the Representatives' Committee may approve an Excused absence request. Approved Excused Absences shall not count against the

number of unexcused absences. In the event the Representative is the Chair of a Committee, the Representative shall seek approval from the Speaker for an Excused Absence request.

For purposes of this section, "Immediate Family Member" shall be defined as "a Spouse, mother or father (including in-laws), children, brothers or sisters (including step-siblings), grandparents, grandchildren, or any person residing in the home of the Representative".

B. Dress Code

Appropriate attire and/or business casual at all Committee Meetings and National Council Sessions, with the exception of Work Sessions. Members shall refrain from wearing baseball caps, sport caps, or employee-related headwear.

C. Term of Office

The term of office of a member of the National Council shall begin at the first meeting/oath of office of the National Council following the first day of January (after a year where a regularly scheduled election occurred) to the beginning of the first meeting/oath of office occurring four (4) years later at the first meeting of the National Council following the first day of January.

D. Voting

No Member shall cast a vote on any legislation unless he/she is seated in his/her assigned chair on the floor unless special circumstances prohibit such and approved by the Committee Chair or Speaker. A Member may not authorize nor cast a vote for any other Member or otherwise cause to record a vote on such member's behalf. A member shall only abstain if he/she has a personal or monetary conflict of interest and state the reasons therefore.

E. Compensation

Muscogee (Creek) Nation Constitution Article VI. Section 5. (a)
The Muscogee (Creek) National Council members shall receive

a compensation for their services, to be prescribed by ordinance and paid out of the Treasury of the Muscogee (Creek) Nation. (See NCA 12-223).

YEARLY SALARY

POSITION	RATE*
Speaker	\$70,000.00
Second Speaker	\$47,000.00
Members	\$47,000.00

*Rates are subject to change as may be established by law.

MILEAGE

Members of the National Council shall be reimbursed for mileage associated with performing National Council duties and activities that promote the public health, safety, education, and welfare that contributes to the social, physical well-being and economic advancement of the Muscogee (Creek) Citizens.

The mileage reimbursement will be established in accordance with current Federal Travel Regulations at the time of reimbursement. Mileage stipend shall not exceed Seven Hundred and No/100 Dollars (\$700.00) per month. If the mileage stipend exceeds \$700.00 it will be the Speaker's discretion to approve or not. Mileage shall be paid from the point of departure (residence), to the site, and return. Members are responsible for furnishing odometer readings.

Allowable mileage claims include, but is not limited to, the following:

1. Mileage to and from any National Council Meeting, Committee Meeting, or Community Meeting.
2. Mileage to and from the tribal complex, tribal entity, or tribal property while conducting tribal business.
3. Mileage to and from conference, training and educational trips, and business meeting; including visiting any other governmental entities and business leaders / advisors / entities for tribal business or for benefit of the Muscogee

(Creek) Nation.

4. Mileage to and from business or National Council related activity that is reasonable and necessary for the behalf of the citizens and Communities of the Muscogee (Creek) Nation, and in conformity with applicable laws, sound business practices, and this policy which promotes the best interests of the Muscogee (Creek) Nation.
5. Each member of the National Council shall submit a monthly mileage claim on or before the 10th day of the following month. Failure to timely submit a monthly claim shall result in such reimbursement being deemed waived.

Note: Mileage may only be claimed if the Member claiming such mileage used their vehicle. A Member riding to or from an event in another vehicle would not be eligible to claim mileage. A Member that is providing transportation for citizens, family members, or otherwise in an individual capacity (as opposed to a member's official capacity) that would not be covered by the insurance policies of the Nation is not eligible for reimbursement by the National Council.

REIMBURSEMENT

Expense for travel and per diem for attendance at training sessions, seminars, orientations, symposiums, and other official tribal functions shall be reimbursed. The rate shall be consistent with the established rate of the Muscogee (Creek) Nation.

F. Gifts

1. No National Council Member shall knowingly accept a gift except as provided in this rule.
2. A National Council Member may accept a gift (other than cash or cash equivalent) which the National Council Member reasonably and in good faith believes to have a value of less than \$50, and a cumulative value from one source during a calendar year of less than \$100. No gift with a value below \$10 shall count toward the \$100

annual limit. No formal record keeping is required by this paragraph, but a National Council Member shall make a good faith effort to comply with this paragraph.

3. For the purpose of this rule, the term “gift” means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.
4. A gift to a family member of a National Council Member, or a gift to any other individual based on that individual's relationship with the National Council Member, shall be considered a gift to the National Council Member if it is given with the knowledge and acquiescence of the National Council Member and the National Council Member has reason to believe the gift was given because of the official position of the National Council Member.
5. If food or refreshment is provided at the same time and place to both a National Council Member and the spouse or dependent thereof, only the food or refreshment provided to the National Council Member shall be treated as a gift for purposes of this rule.
6. The restrictions listed above shall not apply to the following:
 - (a) Anything for which the National Council Member pays the market value, or does not use and promptly returns to the donor.
 - (b) Anything, including personal hospitality, provided by an individual on the basis of a personal friendship unless the National Council Member has reason to believe that, under the circumstances, the gift was provided because of the official position of the National Council Member and not because of the personal friendship.

- (c) Food, refreshments, lodging, and other benefits:
 - (i) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the National Council Member as an officeholder) of the National Council Member, or the spouse of the National Council Member, if such benefits have not been offered or enhanced because of the official position of the National Council Member and are customarily provided to others in similar circumstances; or
 - (ii) customarily provided by a prospective employer in connection with bona fide employment discussions;
- (d) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer;
- (e) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication;
- (f) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings;
- (g) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, non-monetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards);
- (h) Donations of products from the Muscogee (Creek) Nation that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient;

- (i) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a National Council Member, if such training is in the interest of the Nation;
- (j) Bequests, inheritances, and other transfers at death;
- (k) Free attendance at a widely attended event;
- (l) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation;
- (m) Food or refreshments of a nominal value offered other than as a part of a meal;
- (n) An item of little intrinsic value such as a promotional item, baseball cap, or a tee-shirt;
- (o) A convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if the National Council Member participates in the event as a speaker or a participant, or by performing a ceremonial function appropriate to the National Council Member's official position; or attendance at the event is appropriate to the performance of the official duties or representative function of the National Council Member; or
- (p) Muscogee (Creek) National Council personalized items.

Note: In all of these instances, the National Council member shall submit a written request to Speaker for an official determination as to whether any questioned item constitutes an impermissible gift.

G. Rules of the National Council on Discipline of its Members

General Provisions

1. The National Council acknowledges and honors the 1979 Constitution, Article VIII, and provisions of the Muscogee (Creek) Nation Code regarding Removal of National Council Members, and have addressed these laws in the Rules of the National Council. These Rules of Discipline encompass administrative actions of the National Council in regard to any of its members, short of removal, for the purpose of correcting conduct deemed by the National Council as offensive or repugnant to the expected conduct of members of the National Council.
2. Should a court of competent jurisdiction find any provision or portion of these Rules of Discipline be unconstitutional or in violation of the Muscogee (Creek) Nation *Code of Laws*, the remaining Rules shall survive and remain in full force and effect.
3. The oath of each individual Member of the National Council, and the duty under it to act conscientiously for the general good, is a safeguard to the fellow Members against an unjust and causeless discipline. Retaliatory or baseless allegations are in violation of these Rules and may subject the complaining Member to disciplinary measures as more fully set out herein.
4. It is established by the National Council, by passage of these Rules, that Members have no personal liberty or property interest in holding elected Office with the of National Council. It is further established that all elected Offices comprising of the National Council belong to the Citizens of the Muscogee (Creek) Nation and thus the Office is a Public Office.
5. Members of the National Council stipulate and expressly agree, that should a Member be disciplined in the manner prescribed by these Rules, such administrative action is not deprivation of Office without due process of law.
6. Members of the National Council knowingly and

intelligently waive any claim to or defense of sovereign immunity related to governance of these Rules, including the imposition of disciplinary measures.

7. These Rules shall not apply to Removable offenses.
8. The Internal Affairs Committee shall only consider written allegations made by citizens and employees of the Muscogee (Creek) Nation.
9. Citizens and employees of the Muscogee (Creek) Nation shall have four (4) months from the date they knew or should have known, in the exercise of reasonable diligence, of an alleged violation of these Rules to file a written complaint. Written complaints may be filed via email.
10. Persons making written complaints may request an alternative form of dispute resolution, such as private conferences with all necessary and affected persons or representatives.
11. Receipt of written citizen complaints, submitted in written form, including emails, will be acknowledged by the Chair or Vice-Chair of the Internal Affairs Committee within two (2) business days of receipt via letter or email.

When formal letters of concern or complaints are received by Internal Affairs or Fact Finding Committees it is the Chairpersons responsibility to respond to the author of the letter. The Chairperson has 48 hours to confirm with the author of the letter, in writing on official letterhead the letter was received, and a meeting will be held in the next two weeks.

It is the consensus of the Committee to decide by majority vote whether or not the letter will be addressed. The author of the letter will then be notified by the Chairperson in writing, on official letterhead the date, time, and place the meeting will be conducted. A invitation will be extended to the author of the letter to attend. Should the Committee decide not to address the

letter the Chairperson will convey in writing to the author the specific reason(s) the letter will not be addressed.

It is the responsibility of the Chairperson to keep open communication with the author of the letter during the course of the procedures or investigation. The Chairperson will carbon copy all members of the committee with all correspondence to not only the author of the letter but any individuals or entities involved in the procedure or investigation.

The goal of the Chairperson of Internal Affairs or Fact Finding is to see that the issue is resolved within two months. In special circumstances where investigations take longer and it is not in the control of the committee it is understood there is no specific cut off date.

12. Members of the National Council may submit written allegations. A common understanding or belief concerning improper conduct of a Member is a sufficient ground for the Internal Affairs Committee to proceed by inquiry concerning the Member and even to make a referral to the Fact-Finding and Investigations Committee.
13. Members shall have two (2) months from the date they knew or should have known of any alleged violation of this Rules to file a complaint against a National Council Member.
14. Allegations shall not be accepted from a third-party on behalf of another, excluding the Executive Branch on behalf of an employee; however, written allegations may be considered when made by a member of the National Council on behalf of a Muscogee (Creek) Nation citizen who claims to have first-hand, direct, personal knowledge of the matter being asserted; however, the allegation will not be forwarded from Internal Affairs to the Fact-Finding and Investigations Committee without an allegation/complaint signed by the citizen.
15. The National Council, by adoption of these Rules, have defined misconduct or malfeasance related to the actions

or inactions of seated Members of the National Council.

16. These Rules shall become effective the day of approval by the National Council and shall not be applied retroactively to misconduct occurring prior enactment of these Rules. Ongoing violations by a Member of the National Council, although initiated before adoption of these Rules, are subject to discipline.
17. Any false allegation that is knowingly, intentionally, negligently, or recklessly made by a citizen of the Muscogee (Creek) Nation against a Member of the National Council, made in bad faith, and without regard for the truth or falsity of the matter being alleged, outside of all available civil remedies, may be referred to the Office of the Attorney General to determine if a crime has been committed and for prosecution.
18. Glossary of Terms
 - (a) “Arrest” shall be defined as a law enforcement officer of any jurisdiction and agency depriving a National Council member of his/her liberty (e.g. not free to leave) by use of authority, whether formal or informal. This definition does not require the custodial use of hand cuffs/zip ties, and is irrespective of geographic location, ultimate incarceration, ticketing, written or verbal warnings, or the filing of criminal charges.
 - (b) “Conflict of Interest” is defined as, a real or seeming incompatibility between one’s private interests and one’s public or fiduciary duties.
 - (c) “Intimate personal relationship” is defined as, an emotional or physical relationship that has sexual or romantic overtones. This definition also includes persons in a co-habitation relationship and any person engaged in a romantic or sexual relationship. An intimate personal relationship is a spousal relationship, or an engagement relationship, or a couple relationship.

- (d) “Sexual Harassment” is defined as, harassment of a person, because of that person’s sex. Sexual Harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal or physical harassment of a sexual nature.

19. Offenses Subject to Discipline

- (a) Six (6) Non-Excused absences from scheduled meetings of the Full Council or the Representative’s Standing and/or Select committee meeting unless excused by Speaker or Committee Chair
- (b) Interference or harassment of employees of the Muscogee (Creek) Nation, enterprises, commissions, or agencies in performance of their duties
- (c) Threatening an adverse employment action against employees of Muscogee (Creek) Nation, enterprises, commissions, or agencies
- (d) Refusal to submit to mandatory drug testing
- (e) Failure to submit travel expense report within five working days after completion of travel
- (f) Failure to return within five (5) working days cash funds for lodging, transportation, meals, mileage, stipend, or other expenses in the event of travel not accomplished
- (g) Disorderly behavior, public intoxication, or use of illegal drugs inside or outside of the Muscogee (Creek) Nation Reservation.
- (h) Use of social media (including but not limited to Facebook, Instagram, or similar social media applications) to disparage employees of the Nation or other Representatives of the National Council. National Council Representatives shall

refrain from discussion of Nation business or disparagement of National Council legislation via the use of social media unless the particular Representative utilizing social media is the sponsor or co-sponsor of the legislation, and the particular Representative is not permitted to quote or address legislation that is not in its final form (meaning the legislation has not yet been assigned to a committee).

- (i) Develop intimate interpersonal relationships with National Council Staff, where the possibility of allegations of sexual harassment, favoritism, conflicts of interest, and/or disruptions in the workplace, creation of negative or unprofessional working conditions, or unprofessional working conditions, or the compromise of employee safety, security, and morale may arise.
- (j) Uses Tribal property and/or Promotional items for personal business or personal gain, unless the particular representative has received written approval from the Speaker ensuring compliance with this subsection. In all of these instances, the National Council member shall have a written letter of request to Speaker and confirmation that these items do not constitute an impermissible gift.
- (k) Knowingly, intentionally, negligently, or recklessly making a false allegation against another Member of the National Council, made in bad faith, without regard for the truth or falsity of the matter being alleged.
- (l) Allegations relating to violation of any law of the Muscogee (Creek) Nation. In recognition of the differing burdens of proof governing administrative, civil, and criminal proceedings, the National Council determines that neither investigations nor the imposition of disciplinary measures shall be conditioned upon either the filing of a civil action and resulting judgment if any, or prosecution and successful conviction or

acquittal of a Member.

- (m) Members must report his/her arrest to Speaker within forty-eight (48) hours of the incident, and shall immediately be disclosed by the Speaker to the National Council as a whole. Failure to disclose by the arrested member shall result in imposition of a \$1,000 fine.
- (n) Interfere or impede with complaints and/or investigations and/or tamper with witnesses.
- (o) Knowingly or intentionally disparage other National Council members, either publicly or privately, nor enable or encourage others to engage in similar conduct.
- (p) Seek to direct, interfere, intimidate or attempt to control the conduct of members or staff of departments that are under the supervision of another branch of government of the Muscogee (Creek) Nation.
- (q) Attempt to influence media reports or coverage, either positive or adverse, related to the conduct of National Council members.
- (r) Failure to accurately and completely execute a conflicts disclosure form upon taking the oath of office and then annually upon the members anniversary date.
- (s) Members must abstain from voting upon any law in which the Member has a real or seeming incompatibility between his/her private interests and the Member's public or fiduciary duties to the Muscogee (Creek) Nation.
- (t) Members may not use the prestige of his/her elected office for personal financial gain.

- (u) Members may not use or convert supplies or equipment from the office of the National Council, of any kind or character, for personal use or gain.
 - (v) In the event a Representative is absent from a cumulative amount of six (6) scheduled meetings of the National Council or scheduled meetings of the Representatives' assigned Standing and Select Committee, in any calendar year, the Representative shall be assessed a monetary fine of \$175 for each meeting unless the Representative's Absence is excused under this provision in Section 113(A).
20. When a written allegation of wrongdoing, offensive conduct or malfeasance is made against a National Council Member, the Internal Affairs Committee of the National Council shall review the complaint and determine by majority vote whether to refer the allegation to Fact-Finding and Investigations Committee for full investigation. If forwarded to Fact-Finding and Investigations Committee, the Internal Affairs Chair should notify complainant immediately.

Rules and Procedures of Investigations

21. Internal Affairs and the Fact-Finding and Investigations Committees, in passing upon the question of disciplining a Member, has the power to adopt any procedure and to change it at any time and without notice. Suspension of these Rules may not occur after a complaint/charge has been made in disciplinary proceedings.
22. The Fact-Finding and Investigations Committee has power to fully investigate the allegation referred by the Internal Affairs Committee, including the power to summon the person making the allegation before it as a witness. The party making the allegation shall be notified that his/her failure to appear may result in termination of the investigation.
23. The Fact-Finding and Investigations Committee has the authority to refer the investigation to an outside expert (e.g. employment law attorney or human resources

professional), provided the outside expert has no ties to the Muscogee (Creek) Nation or its officers or employees, to investigate all allegations and render an opinion.

24. Members who are the subject of a complaint may not participate in any manner in the committee or National Council decision making process, except as to provide information and/or provide testimony.
25. Members who may be reasonably expected to be called as fact witnesses regarding a complaint, investigation and/or disciplinary proceeding shall not be involved in any decision making process related to the complaint.
26. The proceedings of the Internal Affairs and the Fact-Finding and Investigations Committees in furtherance of its investigation, including the taking of testimony, shall be held in Executive Session. The identity of witnesses or material presented to the Committee shall not be disclosed outside of the Committee/Council until the time of the Committee decision that a disciplinary offense has occurred and the matter is referred by the Internal Affairs Committee to the National Council. All staff of the National Council shall abide by these rules of confidentiality as a condition of employment.
27. It is within the discretion of the Committees, at the accusatory stage, to inform the Member of an investigation and the allegations made against him or her in writing.
28. The Fact-Finding and Investigations Committee shall conduct its investigation and then make a decision whether the matter rises to the level of a Removable offense, an offense subject to the Rules of Discipline, a finding of no offense proscribed by these Rules, or that insufficient evidence exists to establish violation of these Rules.
29. Upon conclusion of the Fact-Finding and Investigations Committee's work, it shall deliver all documents acquired as a result of its investigation, including transcripts. The Committee shall prepare its findings and

recommendations for delivery to Internal Affairs for further action.

30. Upon receipt and review of the complete investigation file, including the findings and recommendations of the Fact-Finding and Investigations Committee, the Internal Affairs Committee shall prepare its Final Report.
31. Final Report
 - (a) Submission - The Internal Affairs Committee shall submit a final report to the National Council of the results of allegation, the investigation and the hearings conducted by the Fact-Finding and Investigations Committee together with its findings and any recommendations.
 - (b) Confidential Information - The final report of the Internal Affairs Committee may be accompanied by such confidential annexes as are necessary to protect confidential information.
 - (c) Should an investigation be terminated by the Internal Affairs Committee or a complaint/ charge be declined for referral to the National Council for hearing, the Committee shall provide written notice to the individual who made the allegation identifying why the allegation has been declined or screened-out. It shall be at the Committee's discretion to notify the citizen who made the allegation that a request for disciplinary hearing has been sent to the National Council as a whole.

Rules and Procedures of Disciplinary Hearings

32. Upon the determination by the Committee that the offense calls for discipline of a Member, a formal complaint/charge shall be drafted, reviewed, and approved by the Chairperson of the Committee, and presented to the accused Member and to all National Council members.
33. The National Council shall then vote on whether to set a

date certain for the conduct of a hearing. Such vote shall be made by a simple majority of the National Council.

- (a) Service upon the accused Member may be achieved by hand-delivery, service of process by Lighthorse Police or by other process server, or by email to the Member's National Council electronic address accompanied by a read receipt.
 - (b) The hearing before the National Council shall be set no sooner than thirty (30) days following written notice to the accused Member.
 - (c) The accused Member is entitled, but not required to submit a written answer.
 - (d) The rules of evidence shall be greatly relaxed during the hearing before the National Council. The National Council shall determine the weight and credibility to be given all testimony and evidence presented at the hearing.
 - (e) Should the accused Member and/or any witness called to testify before the National Council assert their 5th Amendment privilege against self-incrimination listed in paragraph 24(g) of this section. However, the National Council may draw all negative inferences in relationship to the question asked and the refusal to answer; therefore, the National Council may interpret the assertion of the privilege and refusal to answer a question as an admission.
 - (f) The hearing may be passed or continued from time to time at the discretion of the Speaker of the National Council for good cause, including, but not limited to required National Council duties, death or illness of an immediate family member, and, otherwise in the interests of justice.
34. The accused Member shall be entitled to due process of law, including:

- (a) Written notice of the complaint/charge;
 - (b) The opportunity to be represented by legal counsel at the accused Member's own expense;
 - (c) The right to cross-examine witnesses;
 - (d) The right to call witnesses on their behalf;
 - (e) The right to adequate notice of hearing before the National Council;
 - (f) The opportunity to be heard; and
 - (g) The right against self-incrimination.
35. The burden of proof shall be upon the National Council and shall be the preponderance of the evidence standard of proof. Preponderance of the evidence shall be defined as "more probable than not".
36. Any finding of violation of these Rules and the imposition of disciplinary measures shall be made by the National Council as a whole and in compliance with the Rules set out herein.
37. The National Council, with the concurrence of two-thirds of all the members present, shall determine if a Member has violated these Rules and determine the appropriate disciplinary measure to be imposed upon a Member.
38. **Discipline Measures**
- (a) Oral Reprimand from the Speaker with a summary to the Internal Affairs Committee;
 - (b) Letter of Reprimand from the Speaker;
 - (c) Letter of apology to the complaining party and others affected by conduct of National Council Member;

- (d) Public or Private Censure by the National Council, signed by the Speaker. Copies of Public censure may be sent to all chartered communities and published in the Mvskoke newspaper;
 - (e) Removal from Committee service;
 - (f) Denial of the ability to sponsor or co-sponsor legislation;
 - (g) Monetary Fine not to exceed \$1,000 per violation; and/or
 - (h) Suspension of Pay for a time certain. Benefits shall not be subject to suspension.
 - (i) Suspension for a time certain of the Member's ability to travel at the National Council's expense.
 - (j) Disciplinary Measures may be imposed incrementally, out of progression, or in the aggregate.
39. Should a Member be subjected to disciplinary measures, the Member shall be advised of their right to appeal to the District Court of the Muscogee (Creek) Nation.
40. The findings, conclusions and any determination of disciplinary measures by the National Council shall be reduced to writing and signed by the Speaker of the National Council.
41. Disciplinary Measures, unless ordered stayed by a court of competent jurisdiction, shall become effective immediately upon signature by the Speaker of the National Council upon the findings, conclusions, and sanctions of the National Council.
42. Willful refusal to comply with any of the above Discipline Measures may result in additional disciplinary measures to be imposed without further Committee investigation. Additional disciplinary measures may include removal and exclusion from participation in all functions of the

National Council until the Member fully complies.

43. Disciplinary measures determined under these Rules shall be enforceable against a Member until such time as the Member is out of office. Any disciplinary measures imposed against a Member, whether imposed before or after out of office, shall survive and be again enforceable should the Member regain public office as a Member of the Muscogee (Creek) Nation.

Sec. 114. Ex-Officio Members

- A. Ex-Officio members shall be chosen at the first Standing Committee meeting of a session.
- B. Ex-Officio members shall attend their respective board meetings and report to the Council at the Planning Sessions each month.

Sec. 115. Sessions

A. Quorum

The presence of more than one-half of the full Council (nine (9) representatives) shall constitute a quorum and all business conducted shall be official except where action that requires a 2\3 vote of the full council membership. The majority of the combined members shall constitute a quorum for Joint Committee Meetings.

B. National Council Term of Session

Sessions shall include all National Council meetings within the two (2) year term in which the National Council convenes after the first meeting after the first day of January after a regularly scheduled election.

C. Motions

1. All business shall be brought before the National Council by motion by a Member. Before a Member can make a motion it is necessary that they obtain the floor.

2. To obtain the floor one must be recognized by the Speaker.
3. The Member who obtains the floor shall then make a motion.
4. Each motion should receive a second and the Member making the second shall be identified by the Speaker. When a motion fails to receive a second after an appropriate amount of time, the Speaker shall declare the motion dies due to a lack of a second.
5. After obtaining the floor, a Member cannot be interrupted by calls for the question or by any other motion.
6. Questions concerning motions will be referred to the Robert's Rules of Order and approved by the consensus of the National Council present.

D. Voting Procedures

All votes taken upon motions to adopt legislation shall be conducted by roll call vote. The names of Members voting shall be entered in the minutes. Matters of routine or mundane nature, including legislation that typically will not receive any "no" votes, should not be conducted by roll call vote, instead may be done by voice vote. Members reserve the right to call for roll call vote.

E. Committee As-A-Whole

The Committee As-A-Whole is made up of every Member. The procedure for acting as a Committee As-A-Whole shall be as follows:

1. Motion, seconded, majority approval to meet as a Committee As-A-Whole.
2. Speaker shall preside over the Committee As-A-Whole. If he/she recuses, the Second Speaker shall preside. If he/she recuses, the Sergeant-at-Arms shall preside over the Committee As-A-Whole.

3. Upon conclusion of discussion, the Committee-As-A-Whole shall rise and report in reference to the discussed legislation or matter.
4. The appropriate motion would include placing the item of discussion upon the agenda. The appropriate motion should also include taking action as if the item discussed has proceeded through the normal Committee process.

F. Meeting Agenda

The Speaker shall have prepared the agenda for every meeting of the National Council. The setting of the agenda shall indicate approval of the agenda items to be considered. Any change to the agenda shall require majority approval by the Council.

G. Planning Session

Planning Sessions shall be scheduled four (4) days prior to the Regular and Quarterly Sessions and the starting time shall be 6:30 p.m.

H. Pre-Agenda Session

Pre-Agenda Session shall be held immediately prior to Regular and Quarterly Sessions, and starting time should be 9:00 A.M. The purpose of the Pre-Agenda Session shall be to review the Regular or Quarterly Session agenda; acknowledge any proposed motions that might be made; acknowledge any bills that will be introduced under Other Business. No motions shall be accepted other than motions to convene in Executive Session or adjournment of the Pre-Agenda Session.

I. Regular Session

Regular and Quarterly Sessions shall be held immediately following Pre-Agenda Session and shall be scheduled for 10:00 A.M. The Regular and Quarterly Session shall be scheduled as follows:

Last Saturday in January.....Quarterly Session
Last Saturday in February Regular Session
Last Saturday in March Regular Session

Last Saturday in April	Quarterly Session
Third Saturday in May	Regular Session
Last Saturday in June.....	Regular Session
Last Saturday in July	Quarterly Session
Last Saturday in August	Regular Session
Last Saturday in September.....	Regular Session
Last Saturday in October.....	Quarterly Session
Third Saturday in November	Regular Session
Third Saturday in December	Regular Session

J. Quarterly Reports

Requests for specific personnel to be in attendance shall be made at the Planning Session. The Speaker shall then submit such requests to the Judicial or Executive branch for the personnel to attend the Quarterly Session. Discussion or questions of matters that should be discussed in Executive Session shall be at the discretion of the Speaker.

NOTE: Matters that should be dealt with by the appropriate Standing Committees should not be allowed to be discussed.

K. Special Session

The Speaker shall call a Special Session after an Inaugural Session is held for the purpose of each Standing Committee to elect its officers and set meeting dates and such or upon written request of at least nine (9) members of the National Council. The session shall not be held sooner than seventy-two (72) hours after the written request was received by the Speaker. Such written request shall contain date and time of receipt. Agenda items shall be specific on the written request. Other business may be brought before the National Council, with 2/3 vote of the Members of the National Council present. (Request Form is available.)

L. Emergency Session

At the discretion of the Speaker, he/she may, for emergency purposes, poll the National Council Members in reference to meeting. Upon receiving confirmation of majority approval, the Speaker has the authority to assemble the Council to address the emergency legislation only. No other matters

may be officially addressed and/or voted upon. Emergency Sessions shall be limited to nine (9) per calendar year.

M. Work Sessions

The Speaker may individually, or at the request of any National Council member, establish a work session related to any topic of concern to the Nation. No agenda shall be established and no formal action shall be taken. At the request of the Speaker, guests may present relevant information.

N. Inaugural Session

The Inaugural Session shall be held immediately following the administration of the oath of office to National Council Representatives. The purpose of the inaugural session shall be to select the Speaker, Second Speaker, and Sergeant-at-Arms.

O. Open Meetings

All National Council and Committee meeting should be open to the public.

P. Record or Live-Stream Meetings

The National Council will record and live-stream all Standing Committee Meetings and National Council Sessions, with the exception of Work Sessions and Executive Session discussions. Recording and Live-streaming by public is prohibited.

Q. Executive Session

Meetings of the National Council may be conducted in Executive Session. When an Executive Session is requested, a reason must be provided generally identifying the necessity therefore.

R. Adjournment

Each session of the National Council is officially adjourned with or without a motion to adjourn, after all of the business on the

agenda has been considered. The Speaker maintains a quorum and if no quorum exists, the Speaker may adjourn the meeting due to the lack of a quorum.

S. Special Circumstances

In the event of a natural disaster or public health emergency or any other special circumstances, the Session requirements may be waived and the Speaker may authorize the National Council to hold Pre-Agenda, Planning, Regular, Quarterly, Special, and Emergency Sessions by teleconference and/or videoconference where each member is audible and/or visible to each other. If sessions or meetings are conducted pursuant to this subsection, voting shall be taken in a manner that citizens will know the vote of each National Council Representative entitled to vote. National Council Representatives may attend Sessions by teleconference and/or videoconference with prior approval from Speaker.

Sec. 116. Legislation

A. Proposed legislation initiated by a National Council Member:

1. Proposed legislation shall be submitted to the National Council Secretary, in writing. The National Council Secretary is responsible to place proposed legislation in bill form.
2. The National Council Secretary shall have the authority to make limited changes on proposed legislation. These changes would only involve spelling and punctuation corrections on bills and resolutions. All legislation submitted by the Legislative, Executive and Judicial Branches or any other source are subject to this Rule of Procedure.
3. All bills shall have a sponsor listed
 - (a) One (1) Member shall be designated as the Sponsor. All others will be listed as Co-Sponsor(s).

- (b) Sponsor or Co-Sponsor(s) of legislation shall attend the appropriate Committee during discussion taken on the sponsor's legislation.
 - (c) If a bill has multiple sponsors, at least one co-sponsor is required to attend the appropriate committee meeting.
 - (d) If a sponsor or co-sponsor(s) does not attend the appropriate committee meeting, the bill shall not be considered (postponed).
 - (i) The Sponsor has sole authority to amend and/or change the proposed legislation prior to the numbered bill being assigned to the appropriate Standing Committee.
4. The bill shall be assigned a statute designation by the National Council Secretary.
5. The Speaker shall assign the numbered bill, accompanied by a cover letter, to the Standing Committee with jurisdiction over the matter. At this point in the process, a bill may be considered public, but prior to this point in the process, all bills are considered confidential and may only be distributed to members of the National Council and National Council personnel. All proposed legislation submitted within four (4) days prior to the assignment date shall not be considered for action until the following month, unless legislation requires urgent attention.
- The Speaker may refer the bill to more than one (1) Committee (Joint Committee) simultaneously for concurrent consideration.
6. The Committee Chairman shall place the numbered bill on the committee agenda for consideration within thirty (30) calendar days, but not sooner than four (4) calendar days, after receipt of the assignment letter.

Note: A two-thirds vote of the National Council present at a meeting may remove an item of legislation from a

standing or joint committee agenda and place it upon the agenda for the next order of business or the next Regular or Quarterly Session by suspending the rules and meeting as a Council As-a-Whole.

7. All proposed legislation which includes budget items that require a funding source shall be referred to the Business, Finance & Justice Committee prior to submission to the Full Council, unless such legislation is presented at a Special, Emergency or Joint Committee held following the Business, Finance & Justice Committee's Regular Meeting, or is acted upon by the Committee-As-A-Whole.
8. Sponsors of legislation that fails or is postponed indefinitely or has been tabled three (3) times in Committee may re-introduce such legislation with Amendments to be assigned to the appropriate Standing Committee or have the rules suspended and act as a Council As-a-Whole to place it on the next Regular or Quarterly Session agenda to the National Council during Other Business. The appropriate motion or motions would include suspending the rules, placing the item on the agenda, and meeting as a Committee-As-A-Whole.

B. Proposed legislation initiated by persons in the Judicial, Executive Branches:

1. Proposed legislation shall be submitted to the Speaker with a cover letter from the Principal Chief or Chief Justice, if not, legislation shall be returned.
2. Origin Author(s) of proposed legislation shall be listed.
3. If a sponsor has not been obtained, the Speaker will attempt to secure a sponsor before the proposed legislation is assigned a statute designation.

C. Proposed legislation initiated by tribal citizens:

1. Proposed legislation shall be submitted by a National Council Member.

2. The request may be mentioned verbally, but it must be submitted in writing by a National Council Member.

D. Statute Designation

Each statute or law enacted by the National Council shall be designated within the Calendar Year followed by a hyphen (-) then followed by the sequence in which the bill was enacted.

Example: An act introduced in 2006 would be numbered NCA 06-01.

E. Proposed Legislation Removed from a Standing Committee

Proposed legislation removed from a Standing Committee by two-thirds vote of the Council present shall be placed on the Regular or Quarterly Session Agenda under Other Business. Legislation shall be acted upon by the National Council while meeting as a Committee as A Whole.

F. Vetoed Legislation/Veto Message

A veto message of the Principal Chief shall be delivered to the National Council office by the Executive Branch. The National Council Secretary or designee shall specify the time and date the Veto Message was received. Copies of the veto message shall be made available to all Members.

1. At the next official Session, if a motion is made and the majority approve, the veto message shall be read aloud.
2. Vetoed legislation requires 2\3 of full membership of the National Council to override.
3. Any Representative, other than the Speaker, may make a motion that the veto be overridden and the legislation adopted as law.
4. If a motion to override and adopt the vetoed legislation is not made, the veto will stand and the vetoed legislation may not be reconsidered.

5. Vetoed legislation may be amended and again presented to the Principal Chief for their signature, if:

(a) The motion to override the veto and adopt fails to receive a (2/3) vote.

6. All Members shall vote either “Yes” or “No.”

G. Proposed Legislation Not Adopted by the End of the Calendar Year

Following the end of the calendar year, whether tabled, postponed, not introduced, or otherwise, bills shall have a new statute designation.

H. Proposed Legislation Not Adopted by the End of Session

Bills that have not been enacted into law by 12:00 noon January 10, following the end of the National Council Session, whether tabled, postponed, not introduced, or otherwise, shall be reassigned by the newly elected Speaker through the Committee System.

Such proposed legislation may be introduced as new legislation by the newly elected National Council. Such newly introduced legislation shall have a new statute designation.

Sec. 117. Committees Establishment and Jurisdiction

A. Committees

1. There shall exist Three (3) Standing Committees (Business, Finance, & Justice; Land, Natural Resources, & Cultural Preservation; Health, Education, & Welfare Committee).

2. There shall be established Select/Sitting Committees as needed and determined by the Council.

B. General Committee Rules and Formation

Members of Standing Committees shall be appointed by the Speaker, Second Speaker and Sergeant-at-Arms. The number

of Members per committee shall be at least five (5). Further, these Rules of Procedure are the rules of the Committee so far as applicable.

If neither the chairman or vice-chairman of a Committee is present, the recording secretary/legislative clerk shall call the meeting to order, and the committee shall immediately elect a chairman pro tem to preside during that meeting. Such office is terminated at the end of the meeting or by the entrance of the chairman or vice-chairman.

C. Standing Committee Oversight Responsibilities

Each Standing Committee shall review and study, continuously, the application, administration, execution and effectiveness of those laws, in part or in whole, the subject matter of which falls under their jurisdiction. Each Standing Committee shall examine, review and study the organization and operation of the Nation, its tribal agencies, and entities to determine whether the intent in which such agencies and entities were established are being implemented and carried out. Each Standing Committee shall examine, review, and study whether such agencies and entities should be continued, curtailed, or eliminated.

D. Standing Committee Legislative Responsibilities

Each bill, resolution, or other matter which relates to subject matter under jurisdiction of the appropriate Standing Committee shall be referred by the Speaker to such committees. Each of the Standing Committees shall have the jurisdiction and related functions assigned to it as necessary to perform its duties accordingly. The Speaker may refer the matter to more than one committee simultaneously for concurrent consideration.

E. Standing Committee Reports

Acts and resolutions approved by the Standing Committee shall be reported by the Chairman, or in the absence of the Chairman, the Second Chair, or designee, to the Council at the Planning Session and such Acts and Resolutions are to be placed on the Regular or Quarterly Session Agenda.

F. Standing Committee on Business, Finance, & Justice

The Business, Finance, & Justice Committee shall have proper jurisdiction over the Budget; Finance; Taxation; Business/Economic Development; Gaming Management; Manufacturing Management; OneFire Holding Company, LLC; Muscogee Nation Business Enterprise; Judicial Branch; Department of Justice/Office of the Attorney General; and Crime/Lighthorse.

G. Standing Committee on Land, Natural Resource & Cultural Preservation

The Committee on Land, Natural Resource & Cultural Preservation shall have proper jurisdiction over issues concerning Land; Gaming Lands; Minerals; Water; Environment; Cultural Preservation; Churches; Ceremonial Grounds; Transportation; Games/Wildlife; Infrastructure; Facilities Management; Housing; Manufacturing Lands.

H. Standing Committee on Health, Education, & Welfare Committee

The Committee on Health, Education & Welfare shall have proper jurisdiction over Health; Welfare (Human Services); Veterans Affairs; Fire Protection; Emergency Management Services; Chartered Communities; Citizenship Board; Election Board; Education and Training; and Community Research and Development

I. Committee Policies and Miscellaneous Procedure Meetings

1. Committees shall have the authority to meet and act at such times and places designated to hold such Committee Meetings as may be necessary. At the Chairperson's discretion, Committee meetings may be held by teleconference and/or videoconference where each member is audible and/or visible to each other. Committee members may attend committee meetings by teleconference and/or videoconference with prior approval from Chairperson.

2. Committee meetings shall remain open to the public except when the Committee by roll call vote, determines to meet in Executive Session. Visitors, guests and fellow Members may speak only if recognized by the Chair.
3. Every member of the Committee except the Committee Chairman, in attendance, shall be eligible to vote on any measure or matter before the Committee and on any amendment or motion pertaining thereto. Chair may only vote in a tie situation.
4. Quorum

In order to establish a quorum for Committee meetings, committee members shall be required to attend stated meetings in person, unless such requirement was waived pursuant to 30 MCNCA § 3-104 (see *NCA 20-020*).

J. Select Committee on Internal Affairs

The National Council shall establish and maintain a Select Committee on Internal Affairs. One (1) Member from each district shall be selected by the respective District Representatives.

The Internal Affairs shall have proper jurisdiction over National Council matters such as personnel issues, policies and procedures, parliamentary procedures, and tribal citizen's complaints against National Council Members.

The Internal Affairs Committee shall process employment applications for all staff positions that become open or are created within the National Council office. Employment applications will be accepted only through the National Council Office, P.O. Box 158, Okmulgee, Okla. 74447, C/O the Chairman of the Internal Affairs Committee. They may be hand-delivered or mailed, and will be logged in upon receipt by staff personnel. The job description, experience and education qualification criteria shall be developed by the committee. The position opening shall be advertised in newspapers within the Muscogee (Creek) Nation reservation (including the Oklahoma City area), programmed onto the

Muscogee (Creek) Nation web page, emailed to all chartered communities, and posted at the tribal complex. The committee will reduce the employment applications received and select a final interview list based on experience and education. The committee will conduct in depth interviews with the prospective candidate(s) by utilizing a scoring system to determine their final selection. Hiring preferentiality guidelines that address Muscogee (Creek) Nation law shall be strictly adhered to. Personnel related issues that involve National Council staff, without fail, shall be sent by the Speaker/Second Speaker to the Internal Affairs Committee for its consideration. The committee shall have the authority to review all relevant information submitted to them and make recommendations to the full National Council as to what action, if any, should be taken.

K. Select Committee on Fact-Finding and Investigations

The National Council shall establish and maintain a Fact-Finding and Investigations Committee. One (1) member from each district shall be selected by the respective District Representatives. The proper jurisdiction shall include the investigation with subpoena powers of any alleged irregularities that may exist in any branch, entity, sub-division and/or unit of the Muscogee (Creek) Nation. Matters to be investigated shall be determined as established by ordinance and/or by the majority of the Fact-Finding and Investigations Committee.

L. Committee Staff

1. The National Council Secretary shall make staff assignments to the Standing Committees with approval of the Speaker. The Select Committees of Internal Affairs shall be staffed by the National Council Secretary. The Fact-Finding and Investigations Committee shall be staffed by the Committee Legislative Clerk of the National Council based upon the subject matter jurisdiction of the issue being discussed.
2. The Chair of each committee shall be the only person directing National Council Staff to perform managerial or secretarial duties necessary to fulfill the needs of the Committee. Any request for information of other issues

shall be directed through the respective chair.

Sec. 118. Executive Sessions for National Council and Committees

- A.** When acting upon confidential or Executive business, unless the same shall be considered in open Executive session, the Council Chamber or meeting room shall be cleared of all persons except the National Council staff and attorneys, and such other persons as the National Council Representative who made the motion shall think necessary; and all such persons shall be sworn to secrecy.
- B.** All remarks and proceedings thereon shall be kept confidential, until the National Council by their resolution, take off the injunction of secrecy. No electronic devices or notes shall be permitted during Executive Session.
- C.** Any National Council member, National Council staff, attorney, consultant, officer of the tribe, or employee of the Muscogee (Creek) Nation, or any of its commissions, boards, or agencies, who shall disclose the secret or confidential business or proceedings of the National Council, including the business and proceedings of the committees, shall be liable, if a National Council member, to suffer expulsion from the National Council; and if National Council staff, attorney, consultant, officer of the tribe, or employee of the Muscogee (Creek) Nation, to dismissal from the service of the Muscogee (Creek) Nation, and to punishment for contempt.

Sec. 119. Nominees and Nominee Interviews

- A. Standing Committee.**
 - 1. All nominations for tribal appointments from the Executive Branch shall be forwarded from the Standing Committee with a “Do Pass” or “Do Pass with No Recommendation” to Full Council.
 - 2. Each National Council Member is limited to two (2) questions each. The nominee shall receive a “Do Pass” vote for consideration by the National Council as a whole.
- B. Planning Session/Pre-Agenda.** Nominee interviews can be

held in either Planning Session or Pre-Agenda per the Speaker's directive.

1. Nominee discussions can be held in either Planning Session or Pre-Agenda, and shall be conducted in Executive Session.
2. Each National Council Member is limited to two (2) questions each. The nominee shall receive a "Do Pass" vote for consideration by the National Council as a whole.