



NCA 18-072

CLASSIFICATION: #35. SOCIAL SERVICES/PUBLIC SERVICES/DONATIONS

A LAW OF THE MUSCOGEE (CREEK) NATION REPEALING MCNCA TITLE 35, CHAPTER 13 AND CREATING A NEW MCNCA TITLE 35, CHAPTER 13 "TRIBAL BURIAL ASSISTANCE AND FOOD FOR FUNERAL ASSISTANCE PROGRAM"

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

SECTION ONE. FINDINGS. The National Council finds that:

A. The Nation has received an Indian Self-Determination and Education Assistance Act Wavier from the Bureau of Indian Affairs (BIA) Burial Assistance Program regulation to increase payments from Two Thousand, Five Hundred and No/100 Dollars (\$2,500.00) to Three Thousand and No/100 Dollars (\$3,000.00) for all eligible BIA applicants.

B. The Tribal Burial Assistance Program, when paid in conjunction with assistance from the BIA Burial Assistance Program, will be in accordance with the Internal Revenue Service Revenue Procedure 2014-35 § 5.02(2)(3)(iv) which excludes payments for burial expenses and food from individual gross income.

SECTION TWO. REPEALER. MCNCA TITLE 35, Chapter 13 is hereby repealed in its entirety.

SECTION THREE. NEW LAW. The following new law shall be codified in Title 35, Chapter 13 of the Code of laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts for the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and; (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

**TITLE 35. SOCIAL SERVICES/PUBLIC ASSISTANCE
CHAPTER 13. TRIBAL BURIAL ASSISTANCE AND FOOD FOR FUNERAL
ASSISTANCE PROGRAM**

Section 13-101. Short Title. This Act shall be entitled "Tribal Burial and Food for Funeral Assistance" and shall be codified as Chapter 13 in Title 35, "Social Services/Public Assistance," of the Code of laws of the Muscogee (Creek) Nation.

Section 13-102. Purpose. The purpose of this Act is to establish programs that alleviate some of the financial burdens of Burial Services Muscogee (Creek) citizens experience.

Section 13-103. Tribal Burial Assistance Program

A. Purpose. The purpose of this section is to maximize burial funds to assist eligible applicants with Burial costs.

B. Eligibility. The following requirements will be used to determine eligibility for Tribal Burial or BIA Burial. The Tribal Burial Program and BIA Burial Program will not be used in conjunction.

1. The deceased is (i) an enrolled Muscogee (Creek) Citizen whose citizenship can be verified with a certified Tribal Enrollment Card or a Verification Letter from the Citizenship Office; (ii) a non-enrolled Muscogee (Creek) child under five (5) years of age who would otherwise be eligible to enroll; or (iii) enrolled member of other Federally Recognized Tribe.
2. Burial contract signed by the responsible party.
3. Death occurred within one (1) year from the time the responsible party makes Tribal Burial application or one hundred eighty (180) days from the time the responsible party makes BIA Burial Application.
4. Deceased must meet service area requirements and income guidelines for BIA Burial.

C. Policies and Procedures. Policies and Procedures are to be implemented by Social Services and shall be available in the Social Services Department.

D. Payments. Payments for this program will be made directly to funeral homes on behalf of an eligible applicant when there is an outstanding balance pursuant to the provisions below.

1. Applicants can receive up to Three Thousand and No/100 Dollars (\$3,000.00).
2. In the event the funeral cost is less than Three Thousand and No/100 Dollars (\$3,000.00), the funeral home shall receive the actual cost.

3. Payments made pursuant to this section meet the criteria of the United States Internal Revenue Service Revenue Procedure 2014-35 and therefore are not considered gross income to the individual.

Section 13-104. Food for Funeral

A. Purpose. The purpose of this section is to provide the family of the deceased with Three Hundred and No/100 Dollars (\$300.00) to be used towards food for wake service and/or other related dinners associated with a funeral.

B. Eligibility. The requirements shall be:

1. The deceased is (i) an enrolled Muscogee (Creek) Citizen whose citizenship can be verified with a certified Tribal Enrollment Card or a Verification Letter from the Citizenship Office; or (ii) a non-enrolled Muscogee (Creek) child under five (5) years of age who would otherwise be eligible to enroll.
2. Burial Contract signed by the Responsible Party.

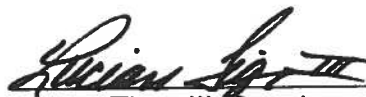
C. Policies and Procedures. Policies and Procedures are to be implemented by Social Services and shall be available in the Social Services Department.

Section 13-105. Non-Duplication of Services. Citizens receiving burial/funeral assistance from Social Services or any other department or entity of the Nation shall be ineligible for assistance from the National Council as a Special Appropriation.

SECTION FOUR. EFFECTIVE DATE. This Act shall become effective at the start of Fiscal Year 2019 (October 1, 2018) upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this 30th day of June, 2018.

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



Lucian Tiger III, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **30th** day of **June, 2018** and that the above is in conformity with the provisions therein adopted by a vote of **8** in favor, **6** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kristie A. Jackson, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **10th** day of **July**, 2018 to the above Law, **NCA 18-072** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



James R. Floyd, Principal
Muscogee (Creek) Nation

