



NCA 19-106

CLASSIFICATION: #35. SOCIALSERVICES/PUBLIC ASSISTANCE/DONATIONS

A LAW OF THE MUSCOGEE (CREEK) NATION REPEALING NCA 18-072 AND AMENDING MCNCA TITLE 35, CHAPTER 13. ENTITLED "TRIBAL BURIAL ASSISTANCE AND FOOD FOR FUNERAL ASSISTANCE PROGRAM"

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

SECTION ONE. REPEALER. NCA 18-072 is hereby repealed in its entirety.

SECTION TWO. AMENDMENT. This amendment 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 amendment and its inclusion in pocket parts of 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:

CHAPTER 13. TRIBAL BURIAL ASSISTANCE AND FOOD FOR FUNERAL ASSISTANCE PROGRAM

§ 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.

§ 13-102. Purpose. The purpose of this Act is to create a Tribal Burial and Food for Funeral Assistance Program to help alleviate some of the funeral costs for Tribal citizens.

§ 13-103. Policy. It shall be the policy of the Muscogee (Creek) Nation to assist all eligible applicants with the Tribal Burial and Food for Funeral Assistance Program. Assistance provided shall alleviate some of the funeral costs and/or vaults or burial plots up to ~~Three Thousand and No/100 Dollars (\$3,000.00)~~ Four Thousand, Five Hundred and No/100 Dollars (\$4,500.00). Applicants that receive funding from BIA Burial Assistance Program, first, shall be eligible to receive funding from the Tribal Burial Assistance Program as long as the total from both programs doesn't exceed

Four Thousand, Five Hundred and No/Dollars. In the event the funeral cost is less than ~~Three Thousand and No/100 Dollars (\$3,000.00)~~ **Four Thousand, Five Hundred and No/100 Dollars (\$4,500.00)**, the funeral home shall receive the actual cost. Food for Funeral shall also be provided to the family of the deceased with ~~Three~~**Five** Hundred and No/100 Dollars (~~\$3~~**5**00.00) to be used towards food for wake service and/or other related dinners associated with a funeral.

§ 13-104. Tribal Burial Assistance

A. 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 printout from the Citizenship Office; and (ii) a non-enrolled Muscogee (Creek) child under five (5) years of age who would otherwise be eligible to enroll.
2. Proof of Death is verified in writing by the funeral home.
3. Death occurred within one (1) year from the time the responsible party (person who signs the burial contract at the funeral home) makes application with Social Services.

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

§ 13-105. Food for Funeral

A. Eligibility. The eligibility 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 printout from the Citizenship Office; and (ii) a non-enrolled Muscogee (Creek) child under five (5) years of age who would otherwise be eligible to enroll.
2. Proof of death is verified in writing by the funeral home.

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

§ 13-106. Tribal Burial Funds for Bureau of Indian Affairs (BIA) Burial Payment

A. In the event funding is unavailable for the BIA Burial Assistance Program or the Program is deleted from the Federal Budget; Tribal or Judgment Funds shall be used

to pay towards the funeral service of Muscogee (Creek) citizens who are eligible for the BIA Burial Assistance payment. All requirements must be met according to the BIA Guidelines.

B. In the event the deceased Muscogee (Creek) citizen resided outside of the Muscogee (Creek) Nation jurisdiction or any other tribe's jurisdiction, but meets all other BIA Burial requirements, he or she may be eligible to receive an additional payment from Tribal or Judgment Funds in lieu of the BIA payment, up to ~~Two Thousand Five Hundred Dollars (\$2,500.00)~~ **Three Thousand and No/100 Dollars (\$3,000.00)**.

§ 13-107. 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 THREE. FUNDING. To ensure all citizens receive Four Thousand, Five Hundred and No/100 Dollars (\$4,500.00), One Million and No/100 Dollars (\$1,000,000.00) from the Jewel Settlement shall be added as a secondary/backup funding source in the event primary BIA or Tribal funds are unavailable for Burial Assistance.

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

ENACTED by the Muscogee (Creek) National Council on this **26th** day of **October, 2019.**

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

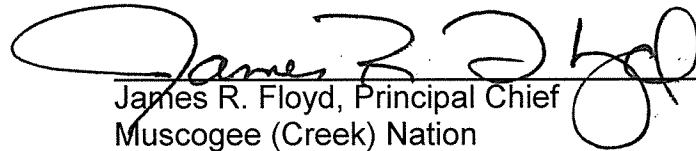
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the **26th** day of **October, 2019** and that the above is in conformity with the provisions therein adopted by a vote of **15** in favor, **0** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



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

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **30th** day of **October**, **2019** to the above Law, **NCA 19-106** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



James R. Floyd, Principal Chief
Muscogee (Creek) Nation

