



NCA 23-018

CLASSIFICATION: #28. LANDS AND MINERALS

A LAW OF THE MUSCOGEE (CREEK) NATION ESTABLISHING A NEW TITLE 28, CHAPTER 13, ENTITLED "Muscogee (Creek) Nation Land Referral Services"

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

SECTION ONE. FINDINGS. The following new Law is hereby enacted:

Section 1-101. Findings. The National Council finds that:

A. The Muscogee (Creek) Nation provides legal assistance for enrolled citizens for land services.

B. There is a need to re-organize the process and create the Land Referral Services area for Muscogee (Creek) citizens to receive assistance to establish clear title, alleviate trespass and protect assets of the citizens, traditional churches, ceremonial grounds and the Nation.

SECTION TWO. NEW LAW. The following new law shall be codified in Title 28, 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 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 new law, without further National Council approval:

TITLE 28. LANDS AND MINERALS

CHAPTER 13. LAND REFERRAL SERVICES

SUBCHAPTER 1. GENERAL PROVISIONS

§ 13-101. Findings

The National Council finds that:

A. It is the purpose and intent of this Act to protect citizens of the Muscogee (Creek) Nation and their families by providing legal assistance for land services such as:

1. basic legal needs such as probates;
2. basic estate planning, such as simple wills, deeds, durable power of attorney, advanced directives; and
3. legal services necessary to protect restricted property of individual citizens and the property of Muscogee (Creek) Nation, Traditional Churches and Ceremonial Grounds from trespass, and other issues adversely affecting title to the property.

§ 13-102. Purpose

The purpose of this chapter is to create the Muscogee (Creek) Land Referral Services.

The goal of the Muscogee (Creek) Nation Land Referral Services will be to contract legal representation and/or oversight for Muscogee (Creek) citizens for necessary land services as defined within the Realty Department, Land Referral Services policy and procedures.

§ 13-103. Creation

There is hereby created the Muscogee (Creek) Nation Land Referral Services, to be managed by the Realty Department.

§ 13-104. Eligibility

All enrolled citizens of the Muscogee (Creek) Nation for all services provided by the Muscogee (Creek) Nation Land Referral Services. In addition, the same assistance will be extended to individuals who are not enrolled citizens but are eligible for enrollment under the Muscogee (Creek) Constitution and Laws. No Muscogee (Creek) citizen is eligible for payment of legal expenses by the Muscogee (Creek) Nation except through the Muscogee (Creek) Nation Realty Land Referral Services or as allowed by the District Courts by indigent defense.

§ 13-105. Legal Service Contracts

A. The Realty Director shall negotiate and the Principal Chief shall have the authority to execute legal service contracts with licensed attorneys experienced in Federal Indian Law, Muscogee (Creek) and Oklahoma Law in accordance with this chapter and containing items set out and contained in Title 28, § 11-101. These attorneys will be independent contractors and will be responsible for the legal representation of approved eligible program participants. All contracts must follow the Tribe's procurement policy and shall be reviewed by the Attorney General's Office prior to the Principal Chief's execution.

B. Muscogee (Creek) Nation citizens will be given preference in the contracting of licensed attorneys.

§ 13–106. Interference by Tribal Officials

The acceptance, prioritizing and assignment of cases selected by the Muscogee (Creek) Nation Land Referral Services are to be free of interference by Tribal or elected officials.

§ 13–107. Court Costs and Publication Fees

The Muscogee (Creek) Nation District Court may, in accordance with District Court Rules, waive court costs in cases filed by the Muscogee (Creek) Nation Land Referral Services. The Muscogee (Creek) Nation Supreme Court may, in accordance with Supreme Court Rules, waive court costs in cases appealed by the Muscogee (Creek) Nation Land Referral Services.

§ 13–108. Accountability and Funding

A. The Realty Director shall submit to the National Council within thirty (30) days of the close of each fiscal quarter, a quarterly activity report on the Muscogee (Creek) Nation Realty Department, Land Referral Services in the preceding fiscal quarter and within forty-five (45) days of the close of each fiscal year, a complete fiscal year's activity report.

B. The Land Referral Services shall be funded through the Comprehensive Annual Budget.

SECTION THREE. Any provision within the Muscogee (Creek) Nation Code Annotated there appears any conflicting laws not consistent with this law shall be construed to mean, and not apply to the newly created "Muscogee (Creek) Nation Land Referral Services."

SECTION FOUR. EFFECTIVE DATE. This Act shall become effective immediately 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 **25th** day of **March, 2023.**

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



William Lowe, 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 **25th** day of **March, 2023** 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.

Alicia Stroble

Alicia Stroble, 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 **March**, **2023** to the above Law, **NCA 23-018** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

David W. Hill

David W. Hill, Principal Chief
Muscogee (Creek) Nation

