



NCA 10-032

CLASSIFICATION: #35. SOCIAL SERVICES/PUBLIC ASSISTANCE

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 35, CHAPTER 9, ENTITLED "Special Appropriations Guidelines" AND CREATING A NEW CHAPTER 12 ENTITLED "Donations"

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

SECTION ONE. AMENDMENT. This amendment shall be codified in Title 35, Chapter 9, 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 Codification Committee 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 2003 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:

SECTION TWO. AMENDMENT. MCNCA Title 35 is hereby amended to read as follows:

TITLE 35. SOCIAL SERVICES/PUBLIC ASSISTANCE/DONATIONS

SECTION THREE. AMENDMENT. MCNCA Title 35, Chapter 9, is hereby amended to read as follows:

§9-102. Assignment

All special appropriation requests will be assigned to the proper National Council Standing Committee and shall be forwarded to the Business & Governmental Committee for a funding source. ~~All special appropriations requests will be assigned directly to the Business and Governmental Committee for their review and consideration.~~

§9-103. Special appropriation guidelines

Special appropriations shall may be made on the basis of need, giving priority to needs for the purpose of preservation or maintenance of home and/or life, when such needs cannot be met by existing programs of the Muscogee (Creek) Nation or its entities. Individual citizens requesting assistance based on need, must have applied for services through the Social Services Department or appropriate department before asking for a special appropriation, and provide verification of any application for service. All other special appropriations will be considered only on the availability of funds and such requests shall be in compliance with Section B of this Sub-chapter.

Limitation on Award: Any individual or organization may only receive funds under this appropriation once per fiscal year.

A. Appropriations for such health and welfare needs will be based on actual financial needs, and will not require participation in the funding of such needs by the individuals for the following:

1. Health - for the purpose of procuring and providing medical treatment, medication, and transportation for medical purposes.
 - a. Individuals must have requested assistance through the Health Division and/or the Social Services Department and either have received assistance or been denied assistance before requesting an appropriation under this Section.
2. Welfare - for the purpose of giving assisting citizens for such needs as rent, utilities, emergency repairs.
 - a. Individuals must have a legitimate need for assistance and must have requested assistance through the Social Services Department or appropriate department and either have received assistance or been denied assistance before requesting an appropriation under this Section. Individuals who have received assistance from the Nation within the past six months will not be considered priority.

B. All other special appropriations will be considered only on the availability of funds and in the absence of any reservation of available funds for needs cited in Title 35, § 9-101. An attached budget shall be submitted with each request. Such funding by the Nation will be based on a matching basis only the following: The following will require line item budgets to be submitted with the request:

1. Educational/eCurricular – Requests for funding Areas of need beyond the assistance provided by the Nation for purposes of scholarships, clothing and travel. Stated needs will require proof, and will further require self-funding by the individual/entity equal to no less than 50% of the stated need. School curricular and extra-curricular activities and athletics will be considered under this subsection. Funds received from the Nation through any other grant or assistance program shall not be considered in the self-funding requirement.
2. Churches and eCeremonial gGrounds – Requests for funding for Muscogee (Creek) Traditional Churches and Ceremonial Grounds must apply through the Comprehensive Assistance Grant Program. Churches and Ceremonial Grounds that do not qualify for the Comprehensive Assistance Grant shall not be eligible to receive special appropriations through the National Council unless by waiver of the National Council through section C of this subsection. Financial reports of the organization must be submitted to the respective standing committee for consideration of any appropriation. Appropriations for churches and/or ceremonial grounds should not be considered unless the request is accompanied by a letter from the pastor, deacons, elders or Mekke, and minutes from any meetings of the organization showing the approval of such request. Appropriations will require that the church/ceremonial ground participate in the funding by self-funding equal to no less than 50% of the project cost.
3. Sports/Ball teams/Hobbies/Athletics – Requests for organized sports/ball teams or hobbies that are not part of school curricular or activity may receive funding up to \$500.00 per organization per year. Individual requests will be based on need up to \$250.00 per year. Such funding shall receive the lowest level of priority, and will be funded based upon a first come, first served basis, after the more highly prioritized needs are met. These special appropriations will require self-funding by the individual/entity equal to no less than 75% of the stated need.
4. Burial Assistance – Requests for Burial Assistance may only receive funding if the individual does not qualify under Burial Assistance for the tribe. Appropriations will not be made above the full assistance from the tribe and BIA unless there are special circumstances. Such circumstances will be determined by the proper Standing Committee.

5. Communities – Requests for special appropriations from Communities may receive funding with a resolution from the Community Board of Directors or appropriate board or committee established with an approved budget. The budget shall be detailed with specific line items and receipts for expenditures shall be returned to the Controller of the Muscogee (Creek) Nation.

C. Waiver of this title may only be made by two-thirds (2/3) majority vote of the full National Council.

D. Any special appropriations or prior obligations approved prior to the enactment of this Amendment shall not be subject to these amendments.

SECTION FOUR. NEW LAW. The following new law shall be codified in Title 35, Chapter 12 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 Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated in this law in order to be consistent with the format in the Code of Laws published in 2003 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:

CHAPTER 12. DONATIONS

§12-101. Findings

A. The Muscogee (Creek) Nation has unique relationships with Federal, State and County Governments; and, there is a need to establish and support relationships with elected officials who will represent the best interests of the Muscogee (Creek) Nation and other Tribes.

B. The Muscogee (Creek) Nation has an interest in supporting charities and organizations that are organized and operated for purposes that are beneficial to the public interest and welfare.

§12-102. Assignment

All donation requests will be assigned to the proper National Council Standing Committee and shall be forwarded to the Business & Governmental Committee for a funding source.

§12-103 Donation Guidelines

All donation requests will be considered on the availability of funds and based on the following:

A. Donations to Political Candidates – Request for donations to individual candidates for local office shall be limited to \$1,000.00, donations to individual state candidates shall be limited to \$2,000.00 and donations to individual candidates for national office shall be limited to \$2,500.00 in each election year. Requests for donations to political committees shall be limited to \$5,000.00 in each election year. The total amount of contributions in any fiscal year of the Nation shall not exceed \$50,000.00.

B. Donations to Charities – Requests for donations to charities shall be limited to \$5,000.00 per organization per fiscal year. Donations to charitable organizations will be considered only if the appropriate federal or state certifications are submitted to the National Council for review. The total amount of donations shall not exceed \$100,000.00 in any fiscal year of the Nation.

C. Donations to Organizations – Requests for donations to organizations shall be limited to \$5,000.00 per organization per fiscal year. The total amount of donations to local organizations shall not exceed \$100,000.00 in any fiscal year of the Nation.

D. Donations to Local Schools - Requests for donations to local schools shall be limited to \$2,000.00 per school per fiscal year. The total amount of donations to local schools shall not exceed \$50,000.00 in any fiscal year of the Nation.

E. Donations to Local Governments – Requests for donations to local governments shall be limited to \$5,000.00 per request per fiscal year. Requests may be made from the same government for different purposes. The total amount of donations to local governments shall not exceed \$100,000.00 in any fiscal year of the Nation.

F. All other donations – All other donations shall be determined by the proper Standing Committee and shall not exceed \$5,000.00 per request per fiscal year.

SECTION FIVE. MARCH DONATIONS/APPROPRIATIONS. Any legislation for Donations or Appropriations that are enacted this month shall not be subject to these amendments.

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SECTION FIVE SIX. 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 27th day of March 2010.

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



Roger Barnett, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

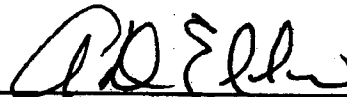
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of twenty-six members with Twenty-Four members attending this meeting on the 27th day of March 2010, and that the above is in conformity with the provisions therein adopted by a vote of 23 in favor, 0 against, 0 abstentions, 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.



Terry A. Fish, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 5 day of April, 2010, to the above Law, NCA 10-032 authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



A. D. Ellis, Principal Chief
Muscogee (Creek) Nation

