



NCA 14-055

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

A LAW OF THE MUSCOGEE (CREEK) NATION REPEALING MCNCA TITLE 4, SECTIONS 1-101 AND 1-104 AND CREATING THE TRIBAL BURIAL ASSISTANCE AND FOOD FOR FUNERAL UNDER MCNCA TITLE 35, CHAPTER 13

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

SECTION ONE. FINDINGS. The National Council finds that:

A. The Nation's Tribal Burial Assistance and Food for Funeral Program are currently managed by the Nation's Social Services Department.

B. Since the Tribal Burial Assistance Program is managed by the Nation's Social Services Department, the Program Guidelines, Policies and Procedures should be removed from Title 4 and added to Title 35 of the Muscogee (Creek) Nation Code Annotated.

C. The Funeral Expenses for Original Allottees Program should be repealed since the Program has served all Muscogee (Creek) Nation Original Allottees.

SECTION TWO. REPEALER. MCNCA TITLE 4, §1-101 and §1-104 are hereby repealed in their entirety.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 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 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:

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 create a Tribal Burial and Food for Funeral Assistance Program to help alleviate some of the funeral costs for Tribal citizens.

Section 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 up to Three Thousand and No/100 Dollars (\$3,000.00). 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. Food for Funeral shall also be provided to the family of the deceased with Two Hundred and No/100 Dollars (\$200.00) to be used towards food for wake service and/or other related dinners associated with a funeral.

Section 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.

Section 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.

Section 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 Four Hundred Dollars (\$2,400.00).

Section 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 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 26th day of April, 2014.

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



Thomas Yahola, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

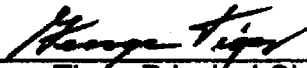
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **26th** day of **April, 2014** and that the above is in conformity with the provisions therein adopted by a vote of **13** in favor, **0** against, **1** abstention 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. Sewell, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 26th day of April, 2014 to the above Law, **NCA 14-055** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal Chief
Muscogee (Creek) Nation

