

TITLE 5. CEREMONIAL GROUNDS/CHURCHES

PASKOFA/MEKUSVPA CUKO

Chapter		Section
1.	PROTECTION AND PRESERVATION OF CEREMONIAL SITES.	1-101
2.	FINANCIAL ASSISTANCE.	2-101
3.	DAY OF PRAYER.	3-101

CHAPTER 1. PROTECTION AND PRESERVATION OF CEREMONIAL SITES

- Section**
- 1-101. Purpose of chapter.
 - 1-102. Acquisition of sites.
 - 1-103. Acquisition of access to sites.
 - 1-104. Sanctity ensured.
 - 1-105. Ceremonial traditional religion.

United States Code Annotated

Traditional religions, protection and preservation, see 42 U.S.C.A. § 1996.

§ 1-101. Purpose of chapter

The purpose of this chapter shall be to fortify protection and preservation by law, the cultural traditions and ceremonial sites of the Muscogee (Creek) people.

[NCA 90-44, § 102, approved May 29, 1990.]

Library References

- Indians ⇨ 144.
- Westlaw Topic No. 209.
- C.J.S. Indians §§ 46 to 50, 53.

§ 1-102. Acquisition of sites

A. This chapter, for the duration of the sovereign powers of the Muscogee (Creek) Nation, shall provide the Principal Chief, or designee and the Speaker of the National Council or his designee the power to negotiate for purchase of accommodating acreage on which ceremonial sites are located. A law of authorization shall be enacted for this purpose in each individual case.

B. The Creek Nation Realty shall be responsible for assessing a fair market value, providing right of ways, easements, surveys, and land descriptions for recommendations to the National Council and Principal Chief.

C. The Creek Nation Realty, with the National Council Committee on Tribal Affairs shall be responsible for drafting and finalizing the appropriate land

lease and/or option to purchase agreement to accommodate the uniqueness of this chapter.

D. Upon purchase, ceremonial lands shall be put into trust status. All leases for purposes of this chapter shall be made for no less than twenty-five (25) years and shall abide by the provisions of this chapter.

[NCA 90-44, § 102, approved May 29, 1990.]

Library References

Indians ☞ 144, 210, 216.
Westlaw Topic No. 209.

C.J.S. Indians §§ 46 to 50, 53, 57 to 59, 66 to 72.

§ 1-103. Acquisition of access to sites

A. In the case of access to located nonfunctional historic ceremonial sites only, this chapter shall provide the Speaker of the National Council, the authority to designate members of the National Council and Tribal members to arrange and deliberate with the owner or owners (heirs), certain preliminaries toward an agreement of access which may be specific to their situation. Upon the agreement of these parties, the Principal Chief shall finalize by approving the agreement of access, right of way, and easement within ten (10) days of receipt. Upon occasion that the approval is not achieved within ten (10) days of receipt, the agreement shall acquire approved status.

B. The Creek Nation Realty, with the National Committee on Tribal Affairs shall be responsible for drafting and finalizing the appropriate access, right of way, and easement agreement to accommodate the uniqueness of this chapter.

[NCA 90-44, § 102, approved May 29, 1990.]

Library References

Indians ☞ 144, 216.
Westlaw Topic No. 209.
C.J.S. Indians §§ 46 to 50, 53, 59.

§ 1-104. Sanctity ensured

A. In ensuring the sanctity of the ceremonial grounds and its religion it shall be the function of the Creek Nation government to acquire ceremonial lands and access to such, which shall be stated by future laws and shall refer to this chapter.

B. This chapter ensures the sanctity of ceremonial grounds, when purchased by the Muscogee (Creek) Nation to be held in trust, and shall by lease agreement leave exclusive control of those ceremonial grounds to their specific authorities.

C. The Muscogee (Creek) Nation shall not infringe upon, control, sell, or otherwise handle matters of the land or tenure of the ceremonial grounds leased or held in trust or historic ceremonial grounds other than assistance in certain improvements which shall be with the agreement of the stated ceremonial grounds' specific authorities or heirs of the land and the agreement shall reflect this provision.

[NCA 90-44, § 102, approved May 29, 1990.]

Library References

Indians Ⓒ144.
Westlaw Topic No. 209.
C.J.S. Indians §§ 46 to 50, 53.

§ 1-105. Ceremonial traditional religion

A. This chapter shall be the legal basis by which the Muscogee (Creek) Nation shall, upon request, provide help, encouragement or assistance for the continuance of the Muscogee Ceremonial Traditional Religion.

1. Ceremonial Ground Maintenance

Each Ceremonial Ground will receive six thousand and no/100 dollars (\$6,000.00) every four (4) years beginning with fiscal year 2011 for the purchase of tools, equipment and miscellaneous expenses related to the continued safe and healthy environmental maintenance of each respective ceremonial ground. The amount of ninety-six thousand and no/100 dollars (\$96,000.00) shall be included in the comprehensive annual budget beginning with FY 2011 and every four (4) years thereafter for this purpose. Funding provided in this legislation for periods beginning with FY 2011 will be determined by the Office of the Controller, and shall be based upon availability of funds.

B. This chapter shall by law establish authority to the appropriate Muscogee (Creek) Nation agency to create a unique archive for the purpose of gathering thorough data and information which is specific to the different ceremonial grounds.

C. To accommodate recognition of the ceremonial sites that are non-functional or other historical archaeological sites, the National Council shall authorize the Principal Chief to create by legislation an Historical Preservation Board.

D. The Muscogee National Council hereby establishes this chapter as a precedent to preserve the traditional heritage of the Muscogee people by this chapter which by further legislation may add to or amend this chapter to preserve the Ceremonial Grounds and its religion.

[NCA 90-44, § 102, approved May 29, 1990; amended by NCA 07-095, § 3, eff. April 9, 2007.]

Cross References

Budget, grant program for churches and ceremonial grounds, see Title 37, § 2-118.

Library References

Indians Ⓒ144, 210.
Westlaw Topic No. 209.

C.J.S. Indians §§ 46 to 50, 53, 57 to 59, 66 to 72.

CHAPTER 2. FINANCIAL ASSISTANCE

Subchapter

1. Grant Program for Churches and Ceremonial Grounds
2. Green Corn Ceremonial Assistance

SUBCHAPTER 1. GRANT PROGRAM FOR CHURCHES AND CEREMONIAL GROUNDS

Section

- 2-101. Findings.
2-102. Purpose.
2-103. Grant award requirements and restrictions.
2-104. Funding request.

Historical and Statutory Notes

NCA 97-07, § 101, provides:

"Findings: The National Council finds that:

"A. There is a need for an orderly planned program of assistance to Muscogee (Creek) Nation Churches and Ceremonial Grounds.

"B. Due to the aging process, growth, and lack of maintenance, many Churches and Ceremonial Grounds are in great need of maintenance, repair or larger more improved facilities.

"C. It has long been a priority of the Muscogee (Creek) Nation to provide assistance to Churches and Ceremonial Grounds with the monies available.

"D. Due to the large number of request from churches and Ceremonial Grounds for assistance and the inability of the Muscogee (Creek) Nation to finance all the needy projects, a plan must be established to identify and help the most needy."

Cross References

Budget, Churches and Ceremonial Grounds Grant Program, see Title 37, § 2-118.

§ 2-101. Findings

The National Council finds that:

A. There is a need for a thorough assistance program for Muscogee (Creek) Nation Traditional churches and ceremonial grounds.

B. Due to numerous factors, many churches and ceremonial grounds are in great need of maintenance, repair and/or larger more improved facilities.

C. Due to the increase in assistance requests from churches and ceremonial grounds and the inability to finance all requests, a comprehensive assistance plan must be established to identify and help the most needy.

[NCA 97-07, § 104, approved Jan. 28, 1997; amended by NCA 00-28, § 103, approved March 29, 2000; added by NCA 07-203, § 1, eff. Jan. 2, 2008.]

Historical and Statutory Notes

Former sections:

Former § 2-101, related to funding requests, was added by NCA 97-07, § 104; amended by NCA 00-28, § 103.

Library References

Indians ⇄210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 2-102. Purpose

The purpose of this subchapter is to establish a comprehensive assistance grant program to aid churches and ceremonial grounds.

[NCA 97-07, § 104, approved Jan. 28, 1997; amended by NCA 00-28, § 104, approved March 29, 2000; added by NCA 07-203, § 2, eff. Jan. 2, 2008.]

Historical and Statutory Notes**Former sections:**

Former § 2-102, related to unexpended funds, was added by NCA 97-07, § 104; amended by NCA 00-28, § 104.

Library References

Indians ⇨210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 2-103. Grant award requirements and restrictions

All grant awards shall be subject to the following requirements and restrictions:

A. Each Muscogee (Creek) Nation Traditional church fifty (50) years or older or churches that can provide documentation demonstrating eighty percent (80%) of membership are Tribal Citizens and each of the sixteen (16) established ceremonial grounds which are located within the Nation's jurisdictional boundaries shall be eligible to submit an application for one of the following six grant awards:

(1) Grant Award 1 is available once per fiscal year beginning October 1 and shall not exceed \$5,000.

(2) Grant Award 2 shall be in the amount of \$5,001 to \$10,000. Applicant shall not be eligible to receive a grant award for the next 2 fiscal years.

(3) Grant Award 3 shall be in the amount of \$10,001 to \$20,000. Applicant shall not be eligible to receive a grant award for the next 4 fiscal years.

(4) Grant Award 4 shall be in the amount of \$20,001 to \$30,000. Applicant shall not be eligible to receive a grant award for the next 6 fiscal years.

(5) Grant Award 5 shall be in the amount of \$30,001 to \$40,000. Applicant shall not be eligible to receive a grant award for the next 8 fiscal years.

(6) Grant Award 6 shall be in the amount of \$40,001 to \$50,000. Applicant shall not be eligible to receive a grant award for the next 10 fiscal years.

B. Each application shall be on a form provided by the National Council, and at a minimum shall include an itemized budget and designate the Church Pastor, Ceremonial Ground Mekko or authorized representative to receive payment if the application is approved.

C. The Community Services and Cultural Committee of the National Council shall review all qualified applications. All applications will be considered

fairly, taking into consideration availability of funds and giving priority based on the urgency and severity of need.

D. The grant award limitation set forth in paragraphs (2), (3), (4), (5) and (6) of this subsection A of this section may be waived in the event that the Community Services and Cultural Committee determines that repairs or renovations to the property of a church or ceremonial ground are necessary due to damage caused by a natural disaster.

E. The Community Services and Cultural Committee shall provide the Principal Chief with a copy of each application for a grant that has been approved by the Committee. Upon signature of the application by the Principal Chief, the Controller shall pay the grant award to the Church Pastor, Ceremonial Ground Mekko or authorized representative.

F. Each grant recipient shall expend funds in accordance with the approved grant budgets.

G. Each grant recipient shall submit the following records for expenditures of a grant award within thirty (30) days of completion of the awarded assistance project: invoices or receipts with proof of payment evidenced by cancelled checks or other bank records. All records shall be provided to the Controller of the Muscogee (Creek) Nation. Each grant recipient shall return any unexpended grant funds to the Controller for deposit in the Tribal Treasury.

H. In the event that a grant recipient does not turn in records as required by subsection G of this section, said grant recipient shall not be eligible to receive Comprehensive Assistance Grant Program funds for a period of five (5) years from the date of the original award.

I. In the event that a grant recipient expends funds not in accordance with the awarded Comprehensive Assistance Grant Program award, said Grant recipient shall not be eligible to receive Comprehensive Assistance Grant Program funds for a period of ten (10) years from the date of the original award. In addition during that time period, said grant recipient shall not receive any financial assistance from the National Council and the Nation may seek full restitution of any and all funds received.

[NCA 97-07, § 106, as amended by NCA 01-160, § 3, approved Sept. 7, 2001; amended by NCA 01-184, § 1, returned unsigned, eff. Oct. 13, 2001; NCA 01-213, § 1, approved Dec. 26, 2001; added by NCA 07-203, § 3, eff. Jan. 2, 2008.]

Historical and Statutory Notes

Former sections: 97-07, § 106; amended by NCA 01-160, § 3; NCA 01-184, § 1; NCA 01-213, § 1.
Former § 2-103, related to grant award requirements and restrictions, was added by NCA

Library References

Indians ☞210.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 2-104. Funding request

All funding requests from churches fifty (50) years or older or churches that can provide documentation demonstrating eighty percent (80%) of membership

are Tribal Citizens and the sixteen (16) established ceremonial grounds shall only be addressed through the Comprehensive Assistance Grant Program. Any emergency request not qualifying for the Comprehensive Assistance Grant Program shall be referred to the Community Services and Cultural Committee to be considered, subject to the availability of funds.

[Added by NCA 07-203, § 4, eff. Jan. 2, 2008.]

SUBCHAPTER 2. GREEN CORN CEREMONIAL ASSISTANCE

Section

2-201. Disbursement of funds.

2-202. Release of funds.

2-203. Accountability.

Historical and Statutory Notes

NCA 02-082, §§ 1-101, 2, provide:

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

"A. Ceremonial Grounds of the Muscogee (Creek) Nation have been in existence since immortal.

"B. There have been many changes of the Ceremonial Grounds.

"C. Some changes are the results of relocations or creations of new or sister Ceremonial Grounds.

"D. To preserve the Traditional and Cultural aspect of the Muscogee (Creek) Nation is in compliance with Article II, Section 5 of the Constitution of the Muscogee (Creek) Nation.

"E. The Muscogee (Creek) Nation shall provide monetary assistance to each Muscogee (Creek) and Yuchi Ceremonial Ground for their Annual Green Corn Ceremonies.

"F. The amount of Twenty Two Thousand, Five Hundred Dollars and No/100 (\$22, 500.00) was appropriated for the current fiscal year within the Special Appropriations section of the Comprehensive Annual Budget.

"Section Two. Purpose. The purpose of this Act is to provide monetary assistance to the campers of the listed Ceremonial Grounds for their purchase of food at their Green Corn Ceremonies."

Cross References

Budget, Green Corn Ceremonial Assistance, see Title 37, § 2-109.

§ 2-201. Disbursement of funds

Green Corn Ceremonial and Supportive Ceremonial Assistance funds shall be initially disbursed by the Principal Chief or his designee. Checks shall be in the amount of five thousand and no/100 dollars (\$5,000.00) per ceremonial grounds which shall be disbursed equally among camps of the ceremonial grounds for the duration of their season by the person(s) authorized by the ceremonial ground. The annual appropriation for the Green Corn Ceremonial and Supportive Ceremonial Assistance shall be established at eighty thousand and no/100 dollars (\$80,000.00) beginning with the FY 2007 Comprehensive Annual Budget and annually thereafter.

[NCA 02-082, § 3, approved May 30, 2002; amended by NCA 07-074, § 2, eff. April 9, 2007.]

Library References

Indians ☞ 139, 144, 210.
Westlaw Topic No. 209.

C.J.S. Indians §§ 46 to 50, 53 to 55, 57 to 59,
66 to 72.

§ 2-202. Release of funds

A letter of request for release of funds shall be submitted to the Principal Chief from the Office of the National Council. Each ceremonial ground shall submit an application stating the names of the Mekko and the Treasurer or persons authorized to receive the checks commencing on the first of March of each year. The check shall be made out in the name of the ceremonial ground.

[NCA 02-082, § 4, approved May 30, 2002; amended by NCA 07-074, § 3, eff. April 9, 2007.]

Library References

Indians ☞ 139, 144, 210.
Westlaw Topic No. 209.

C.J.S. Indians §§ 46 to 50, 53 to 55, 57 to 59,
66 to 72.

§ 2-203. Accountability

The Mekko of each ceremonial ground shall be held accountable for all funds appropriated pursuant to this subchapter by submitting to the Office of the Controller receipts verifying the amount of funding allocated to their respective ceremonial ground. Failure to comply may prohibit a ceremonial ground from receiving future Tribal funds.

[NCA 02-082, § 5, approved May 30, 2002; amended by NCA 09-212, § 2, approved Dec. 7, 2009.]

CHAPTER 3. DAY OF PRAYER

Section

3-101. Declaration of Day of Prayer.

3-102. Coordination.

3-103. Expenditure of funds.

Cross References

Budget, Day of Prayer, see Title 37, § 2-125.

§ 3-101. Declaration of Day of Prayer

The Muscogee (Creek) Nation hereby declares a day in April of each year as a "Day of Prayer" with the specific day being announced yearly.

[NCA 00-55, § 103, approved March 27, 2000.]

§ 3-102. Coordination

The Principal Chief shall designate who shall coordinate the special occasion each year.

[NCA 00-55, § 103, approved March 27, 2000.]

§ 3-103. Expenditure of funds

Receipts for expenditure of the funds shall be presented to the Principal Chief within thirty (30) days after the designated Day of Prayer.

[NCA 00-55, § 103, approved March 27, 2000.]