

# TITLE 4. BURIAL/CEMETERIES

## HERRICKV/HOPELKV

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### CHAPTER 1. BURIAL ASSISTANCE; GRAVE PREPARATION ASSISTANCE

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#### § 1-101. Burial assistance

**A. Findings.** The National Council finds that:

1. Many families of deceased Tribal members are not in a financial position to meet the rising costs associated with funeral expenses.
2. The Muscogee (Creek) Nation has a duty to assist the families of Tribal citizens in funeral expenses, grave digging services, and providing food for funerals.

**B. Guidelines.**

1. The eligibility requirements shall be:
  - a. The deceased is (i) an enrolled Muscogee (Creek) Indian who can verify his or her citizenship with a certified Tribal enrollment card or (ii) a non-enrolled Creek under one year of age who would otherwise be eligible to enroll; and
  - b. Proof of death is verified in writing, by the funeral home.
2. A payment of two thousand dollars (\$2,000.00) after the verification of citizenship shall be remitted to the funeral home performing the services for a deceased, provided that said amount shall not exceed the burial cost. In the event that the burial cost is less than two thousand dollars (\$2,000), the funeral home performing the services for the deceased shall only receive the amount of the burial cost.
3. The responsible party shall be eligible for a two hundred dollars (\$200.00) food voucher to be used for wake and/or other family church related dinners associated with the funeral.
4. Application must be made within six months from date of death by the responsible party.
5. Enrolled Muscogee (Creek) Indians who are eligible for Bureau of Indian Affairs (BIA) Burial Assistance may receive additional assistance from the

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Tribal Burial Assistance Program in the event there are insufficient funds in the BIA program or the Burial Program is deleted from the Federal Budget. The responsible party must apply for this assistance and comply with the requirements for the BIA Burial Assistance Program. The additional assistance will be given based on the amount the applicant is eligible to receive according to BIA guidelines.

[NCA 01–158, §§ 1, 3, eff. Oct. 1, 2001; amended by NCA 02–085, § 1, approved May 30, 2002; NCA 03–158, § 1, approved Sept. 2, 2003; NCA 03–182, § 1 approved Nov. 3, 2003; NCA 05–233, § 1, eff. Sept. 30, 2005.]

### **Cross References**

Budget, burial assistance, see Title 37, § 2–133.

## **§ 1–102. Preparation of graves**

With the approval of a budget and program guidelines by the Tribal Affairs Committee, the National Council hereby authorizes the Principal Chief to expend ten thousand dollars (\$10,000.00) for expenses related to the preparation of graves for Tribal citizens. The administration of this Program shall be under the authority of the Deputy Director of Tribal Affairs.

[NCA 99–29, § 104, approved Aug. 3, 1999.]

### **Cross References**

Budget, grave preparation expenses, see Title 37, § 2–121.

## **§ 1–103. Grave digging assistance program**

1. Services. The Tribal Driveways Program shall provide grave digging services to eligible Tribal citizens to assist them with the hardship of burying a loved family member, unless the family’s chosen cemetery has restrictions or covenants prohibiting outside persons or entities from digging graves.

2. Eligibility requirements shall be as follows:

a. The deceased individual must be an enrolled member of the Muscogee (Creek) Nation with membership verified by a certified Tribal enrollment card or a non-enrolled Creek under one (1) year of age whose parent is an enrolled member of the Muscogee (Creek) Nation when proof of death is verified in writing by the funeral home.

b. The individual must be buried within the territorial jurisdiction of the Muscogee (Creek) Nation.

3. Guidelines, applications, and approvals:

a. The applicant for services shall complete the “Grave Digging Assistance Application” provided by the Burial Assistance Program.

b. The applicant must fill out the application completely and provide a copy of the Tribal enrollment card for the deceased individual to be considered for grave digging services. Failure to provide all necessary information may delay the application process.

c. The Burial Assistance Program shall forward completed applications to the Tribal Driveways Program.

d. Selection for services shall be made by the Tribal Driveways Program Supervisor and the Deputy Director of Tribal Affairs or his designee. A decision to grant or deny an application shall be based on information contained in the application and current funding available to the Tribal Driveways Program.

[NCA 01-158, §§ 1, 3, eff. Oct. 1, 2001; amended by NCA 02-085, § 1, approved May 30, 2002; NCA 03-118 § 1, 2, eff. Sept. 2, 2003; NCA 03-158, § 1, approved Sept. 2, 2003; NCA 03-182, § 1, eff. Nov. 3, 2003.]

### § 1-104. Funeral expenses for original allottees

**A. Findings.** The National Council finds that:

1. There are only thirteen (13) of the original twelve thousand thirty-nine (12,029) Muscogee (Creek) Nation citizens whose names appeared on the final rolls of the 1906 Dawes Commission still living.

2. These remaining Original Allottees hold a special place within the Muscogee (Creek) Nation.

3. The Muscogee (Creek) Nation desires to help pay for the funeral expenses of the remaining Original Allottees, in appreciation of their unique status to the Nation.

4. The requested special appropriation would enable the Muscogee (Creek) Nation Social Services Department to pay a portion of the funeral expenses of the remaining thirteen (13) Original Allottees, not to exceed five thousand and no/100 dollars (\$5,000.00) per each individual original allottee's funeral.

**B. Appropriation.** The sum of sixty five thousand and no/100 dollars (\$65,000.00) is hereby appropriated from the Bingo Revenue Fund Account for the implementation of this Act. All Tribal funds appropriated by implementation of this Act shall carry forward until fully expended; provided that if any Tribal funds appropriated by implementation of this Act remain unexpended after the passing of the last Original Allottee the funds shall be returned to the Tribal Treasury for future appropriation by the National Council.

**C. Authorization.** The National Council hereby authorizes the Principal Chief to expend the sum of sixty five thousand and no/100 dollars (\$65,000.00) from the Bingo Revenue Fund Account to pay a portion of the funeral expenses of the remaining Original Allottees, not to exceed five thousand and no/100 dollars (\$5,000.00) for each Original Allottee's funeral.

**D. Accountability.** To receive funeral services funding after the passing of the Original Allottee, the Original Allottee's family shall contact the Muscogee (Creek) Nation Social Services Department to obtain an application for services. The Original Allottee's family shall complete the application and return it to the Social Services Department, along with a copy of the Original Allottee's burial contract which shall contain the name of the funeral home conducting the services and the amount requested. The Social Services Department shall verify that the funeral home is providing funeral services for the Original Allottee and the amount. The Social Services Department shall request payment from the Office of the Controller who shall make payment directly to the funeral home providing the services, either (a) for the actual amount of the funeral not to exceed five thousand dollars (\$5,000) or (b) five

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thousand dollars (\$5,000). Any funeral costs exceeding five thousand dollars (\$5,000.00) shall be the responsibility of the Original Allottee's family. The Original Allottee's family is allowed to collect either the five thousand dollars (\$5,000) provided to Original Allottees under this Act or the two thousand dollars (\$2,000.00) provided to Tribal citizens under the Burial Assistance Program, but may not receive services from both. No financial obligations shall be incurred without prior approval by the Controller.

[NCA 03–183, §§ 1–5, approved Sept. 30, 2003; amended by NCA 03–236, § 1, approved Dec. 29, 2003.]

**Library References**

Indians ⇄210, 222.  
Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 57 to 59, 62, 66 to  
72, 180.

## CHAPTER 2. TRIBAL CEMETERIES

### Section

- 2-101. Location/legal description.
- 2-102. Qualifications.
- 2-103. Authorization.

### Historical and Statutory Notes

NCA 95-153, § 101, provides:

“Findings: The National Council finds that:

“A. The Muscogee Nation provides for its deceased enrolled citizens respectful funeral-related services.

“B. Many citizens, upon their death, do not have a readily available burial plot for their remains.

“C. A tribal cemetery will relieve the survivors of a severe financial burden.

“D. A tribal cemetery will allow for the continuation of various traditions of the Muscogee people.”

The following guidelines are attached to NCA 95-153:

“FUNERAL ASSISTANCE

“1. Requirements -

“a) Statement from funeral home with the signature of the funeral home director.

“b) Deceased Citizenship Card.

“2. Assistance -

“a) Up to \$1,000;

“b) Grant shall be sent to funeral home;

“c) The Creek Nation will retrocede on any account, up to six (6) months, with proof of payment.

“d) An individual who has responsibility for the deceased should fill a claim within 6 (6) months of death.

“2. Food for Funeral -

“a) Individual responsible for funeral expenses or authorizing representative may apply for food;

“b) A food voucher of \$100—made out to a food vendor (grocery store);

“c) Any expenses over \$100 is the responsibility of the designated individual;

“d) In case of weekend—contact Lighthorse office.”

### § 2-101. Location/legal description

Twenty acres or two ten-acre plots shall be designated in the following manner as a cemetery:

A. McIntosh District:

Ten acres in the W1/2 NE 1/4 of Section 36-T9N-R13E, McIntosh County, Oklahoma.

B. Okmulgee District:

Ten acres in the NW 1/4 NE 1/4 of Section 19 or SW 1/4 SE 1/4 of Section 18 both in T13N-R13E, Okmulgee County, Oklahoma.

[NCA 95-153, § 103, passed Dec. 16, 1995, returned unsigned, eff. on Jan. 5, 1996.]

### Oklahoma Statutes Annotated

Cemetery corporations, surveys and plats, see 8 Okl.St. Ann. § 4.

### § 2-102. Qualifications

Qualifications for a burial plot shall be the same as the qualifications for the Tribal Burial Program administered by Social Services program (See Attached Tribal Burial Program Guidelines) with the addition of the following guideline:

The surviving spouse of an enrolled Creek citizen, if the surviving spouse is an enrolled member of a federally-recognized Tribe or possesses a CDIB card.

[NCA 95-153, § 104, passed Dec. 16, 1995, returned unsigned, eff. on Jan. 5, 1996.]

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**§ 2-103. Authorization**

The National Council hereby authorizes the Principal Chief to initiate implementation of this project to include, but not limited to, the following: location of suitable sites on Tribal land for Tribal cemeteries; coordination with the County Commissioners to provide access on section lines cited herein; to utilize Tribal programs (Road Services) to clear site(s) and to construct and maintain roads to cemetery sites.

[NCA 95-153, § 105, passed Dec. 16, 1995, returned unsigned, eff. on Jan. 5, 1996.]

**Oklahoma Statutes Annotated**

Indian lands reserved for rural cemeteries, title to county commissioners in trust, conveyance to cemetery corporations, see 8 Okl.St. Ann. § 81.

**Library References**

Indians ☞ 144, 216.

Westlaw Topic No. 209.

C.J.S. Indians §§ 46 to 50, 53, 59.