



Legislation Text

File #: 20-090, Version: 1

AN ACT RELATING TO PROVIDING A MEMORIAL TO FAMILIES OF EMPLOYEES WHOSE DEATHS HAVE RESULTED FROM COVID-19 BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the Ketcher-Deason Act of 2020 and codified as (Title)(Section) of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to honor employees of Cherokee Nation and its entities who have died from the novel coronavirus disease 2019 known as "COVID-19." This Act is named after the late Karen Ketcher and the late Faye Deason, both employees who passed away from COVID-19.

Karen Ketcher dedicated her life to working in and for Indian Country for over 40 years. Karen's most influential positions included Regional Director for the Bureau of Indian Affairs, Eastern Oklahoma Region and the Executive Director of Self Governance for Cherokee Nation. Karen was well respected by all you knew her both professionally and personally.

Faye Deason dedicated her life to serving her community and her Tribe. Faye worked for the Cherokee Nation for 25 years at Wilma P. Mankiller Heath Center. Faye was born and raised in Stilwell and was a first-language Cherokee Speaker. Faye was well respected by all who knew her both professionally and personally.

Section 3. Legislative History

Article VI, Section 7 of the Cherokee Nation Constitution states that the Council of the Cherokee shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation.

Section 4. Definitions

For purposes of this Title, the following terms shall be defined as follows:

- 1. Employee.** "Employee" shall mean any full-time, part-time, or limited-term contract employee of the Cherokee Nation, Cherokee Nation Businesses, and its entities who has been employed since March, 2020.
- 2. Family.** "Family" shall mean first-degree, immediate family member(s) of the late employee, and shall only include: legal or biological mother or father; legal spouse; biological or adopted child; or biological or legal sibling; or other person who is legally authorized to make decisions

on behalf of the estate of the deceased Only one family member of each Employee shall act as a representative for the family. In the event of a dispute, the family member or other person with the legal authority to make decisions on behalf of the estate of the deceased employee shall be the designated representative.

3. **Council.** "Council" shall mean the Tribal Council of the Cherokee Nation.
4. **Principal Chief.** "Principal Chief" shall mean the Principal Chief of the Cherokee Nation.
5. **Cherokee Nation.** "Cherokee Nation" shall mean the Cherokee Nation tribal government.
6. **COVID-19.** "COVID-19" shall mean the novel coronavirus disease 2019.

Section 5. Substantive Provisions

1. Cherokee Nation shall offer one of the following to the family of an employee who has died as a result of COVID-19:
 - a. A one-time scholarship award in the name of the employee in the amount of \$5,000.00. This award shall be administered through the Cherokee Nation Education Foundation (CNEF). CNEF shall work with the family on planning the scholarship and the award shall be presented to the Principal Chief for approval subject to a minimum of 10 day notice and review period by the appropriate committee of the Council, prior to being granted. CNEF shall work with the family to place reasonable restrictions on who is eligible for the scholarship. Examples include: residence; degree program, and income requirements. All scholarship recipients must be citizens of the Cherokee Nation; or
 - b. A donation to a non-profit or governmental medical research organization, which the family chooses in the amount of \$5,000.00. This donation shall be presented to the Council and the Principal Chief for approval before being processed; or
 - c. Burial assistance for the employee if Cherokee Nation Burial Assistance Program or other funeral payment programs cannot serve the family. Assistance shall be in an amount not to exceed \$5,000.00. Payments made under this section shall be made directly to the funeral service provider upon presentation of an itemized invoice and approval by the Principal Chief, or
 - d. The family may present an alternative idea to memorialize their family member and it shall require approval by the Principal Chief, subject to a minimum of 10 day notice and review period by the appropriate committee of the Council.. The cost of the memorial idea shall not exceed \$5000.00.

Cherokee Nation shall review these options with the family member or other person with the legal authority to make decisions on behalf of the estate of the deceased

2. The Principal Chief is authorized to direct any employee he deems acceptable to work with the family member or other person with the legal authority to make decisions on behalf of the estate of the deceased employee to resolve these options.
3. The employee's death must have resulted from COVID-19 and shall be verified through medical records supplied by the family.

Section 6. Provisions as Cumulative

The provisions of this act shall be cumulative to existing law.

Section 7. Severability

The provisions of this act are severable and if any part or provision hereof shall be held void the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions of this act.

Section 8. Effective Date/Emergency Declared

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.

Section 9. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.