

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0072-20_____

SPONSOR: Herman Daniels

TITLE: An Action Relating to an Emergency; Regarding the COVID-19 Virus within the territorial jurisdiction of the Navajo Nation, ensuring safe protection upon roads within the Navajo Nation by declaring all Navajo Nation-owned and maintained roads shall be closed to all visitors and tourists

Date posted: March 20, 2020 at 4:56pm

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0072-20

DATE: March 20, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO SOVEREIGNTY AND EMERGENCY; DECLARING A STATE OF EMERGENCY REGARDING THE COVID-19 VIRUS WITHIN THE TERRITORIAL JURISDICTION OF THE NAVAJO NATION, AND ENSURING SAFE PROTECTION UPON ROADS WITHIN THE NAVAJO NATION

PURPOSE: This emergency resolution declares a State of Emergency regarding the Covid-19 Virus within the territorial jurisdiction of the Navajo Nation. The emergency measure addresses safe protection upon roads within the Navajo Nation.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Second Year, 2020
INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0072-20

AN ACTION
RELATING TO AN EMERGENCY; REGARDING THE COVID-19 VIRUS WITHIN
THE TERRITORIAL JURISDICTION OF THE NAVAJO NATION, ENSURING
SAFE PROTECTION UPON ROADS WITHIN THE NAVAJO NATION BY
DECLARING ALL NAVAJO NATION-OWNED AND MAINTAINED ROADS
SHALL BE CLOSED TO ALL VISITORS AND TOURISTS

BE IT ENACTED:

Section 1. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
- B. Pursuant to 2 N.N.C. §164(A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or other which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.”

Section 2. Findings

- 1 A. As recognized by the Navajo Treaty of 1868 and Treaty of 1849, the Navajo
2 Nation has the inherent sovereign authority to protect its members through any
3 emergency measure it deems necessary, including restricting travel onto the
4 Navajo Nation by non-Navajo visitors.
- 5 B. The Navajo Nation population comprises around 367,731 members, of which
6 200,000 live within the territorial jurisdiction of the Navajo Nation, according to
7 the 2010 U.S. Census.
- 8 C. The Navajo Nation comprises 27,000 square miles of land and occupies portions
9 of three States including northeastern Arizona, northwestern New Mexico and
10 southeastern Utah. The geographic area is larger than 10 U.S. States, and
11 includes five sovereign governments, and 11 counties across three states.
- 12 D. The Navajo Nation has over 14,000 miles of roads; of these roughly 6,000 miles
13 are U.S. Bureau of Indian Affairs roads, 1,600 miles are county routes, and 5,000
14 miles are Navajo Nation owned and maintained. Only 23.4 % of the total
15 roadway network is paved. 2016 Navajo Nation Long Range Transportation Plan.
- 16 E. The jurisdictional positions and challenges on the different types of roads, in the
17 different counties, different states, and different governments are enormous.
- 18 F. Presently, the Navajo Nation, like the United States and the entire world, are
19 impacted by the spread of the COVID-19.
- 20 G. The Navajo Nation has declared a State of Emergency regarding the outbreak of
21 the COVID-19.
- 22 H. The Navajo Nation (Navajo Nation Council, Speaker, President, Chief Justice,
23 Executive Branch, Legislative Branch, Judicial Branch, chapters, township,
24 enterprises, authorities, educational institutions, and business entities) is very
25 concerned about the health, safety and welfare of the Navajo people and all
26 Navajo Nation residents
- 27 I. The Navajo Nation has inherent sovereign power to limit access to its roads when
28 necessary to protect self-government and the health and safety of its members.
29 This authority is consistent with the Navajo Nation's inherent authority to control

1 internal relations and matters and to protect the health, safety, and welfare of the
2 residents of the Navajo Nation.

- 3 J. It is in the best interest of the Navajo people, Navajo Nation residents, and visitors
4 that all people are protected and safe from COVID-19, and that COVID-19 is
5 contained effectively.
6

7 **Section 3. State of Emergency and Declaration; Road Closures and Exceptions**

- 8 A. The Navajo Nation hereby declares that all Navajo Nation-owned and maintained
9 roads shall be closed to all visitors and tourists. The intent of this action is to restrict
10 travel onto the Navajo Nation by all visitors and tourists.
11 B. Until this emergency declaration and measures are lifted, the Navajo Nation hereby
12 requests the surrounding federal, state, and country governments and governmental
13 subdivisions to work with applicable Navajo Nation public health, public safety, and
14 transportation authorities to ensure that visitors and tourists are restricted from
15 traveling onto Navajo Nation-owned and maintained roads. The Navajo Nation
16 Department of Transportation shall assist all law enforcement agencies in identifying
17 roads maintained by the Navajo Nation.
18

19 **Section 4. Effective Date**

20 The provisions of this Action shall become effective in accord with 2 N.N.C. §
21 221(B) and shall remain effective until otherwise determined by act of the Navajo Nation
22 Council.
23

24 **Section 5. Savings Clause**

25 Should any provisions of this Action be determined invalid by the Navajo Nation
26 Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo
27 Nation Supreme Court, or any other court of competent jurisdiction, those portions of this
28 Act which are not determined invalid shall remain the law of the Navajo Nation.