

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0097-21\_

SPONSOR: Rick Nez

**TITLE: An Action Relating to the Health, Education and Human Services, Resources and Development, and Naabik'iyáti' Committees and the Navajo Nation Council; Approving the Reopening of all Navajo Nation Casinos to Navajo Nation Visitors and Tourists Notwithstanding Public Health Emergency Orders Pertaining to COVID-19**

***Date posted:*** June 14, 2021 at 3:35 PM

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0097-21

**DATE:** June 11, 2021

**TITLE OF RESOLUTION:** AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING THE REOPENING OF ALL NAVAJO NATION CASINOS TO NAVAJO NATION VISITORS AND TOURISTS NOTWITHSTANDING PUBLIC HEALTH EMERGENCY ORDERS PERTAINING TO COVID-19

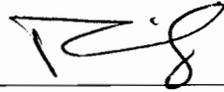
**PURPOSE:** The purpose of this legislation is for the Navajo Nation Council to approve the reopening of Navajo casinos including tourists and visitors to the Navajo Nation.

5-DAY BILL HOLD PERIOD VERMASE  
Website Posting Time/Date \_\_\_\_\_  
Posting End Date: JUNE 19, 2021  
Eligible for Action: JUNE 20, 2021

Health Education & Human Services Committee  
Thence  
Resources & Development Committee  
Thence  
Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL – Third Year, 2021

3 INTRODUCED BY

4 

5 \_\_\_\_\_  
6 (Prime Sponsor) *R. Weber*

7  
8 TRACKING NO. 0097-21

9  
10 AN ACTION

11 RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES,  
12 RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI'  
13 COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING  
14 THE REOPENING OF ALL NAVAJO NATION CASINOS TO NAVAJO  
15 NATION VISITORS AND TOURISTS NOTWITHSTANDING PUBLIC  
16 HEALTH EMERGENCY ORDERS PERTAINING TO COVID-19

17  
18 BE IT ENACTED:

19  
20 SECTION ONE. AUTHORITY

- 21 A. The Health, Education and Human Services Committee is a standing committee of the  
22 Navajo Nation Council. 2 N.N.C. §400(A). The Committee provides “legislative  
23 oversight on matters involving health,” and oversees “Navajo Nation efforts in  
24 implementing and ensuring compliance with employment and labor laws and policies  
25 of the Navajo Nation.” 2 N.N.C. §400(C)(1) and §400(C)(3). In addition, the  
26 Committee has the authority to review and recommend “[r]esolutions relating to ...  
27 health, environmental health, ... employment and labor.” 2 N.N.C. §401(B)(6)(a).
- 28 B. The Resources and Development Committee is a standing committee of the Navajo  
29 Nation Council. 2 N.N.C. §500(A). The Committee has oversight authority over  
30 matters such as economic and community development, commerce and trade. 2 N.N.C.

1 §500(C). The Committee also has the authority to review the operations of the Navajo  
2 Nation enterprises. 2 N.N.C. §500(B)(4)(e).

3 C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. 2  
4 N.N.C. §700(A). The Committee, among other responsibilities, has authority over  
5 proposed resolutions requiring "final action by the Navajo Nation Council."  
6 2 N.N.C. §164(A)(9).

7 D. Pursuant to 2 N.N.C. §102(A), the Navajo Nation Council is the "governing body of the  
8 Navajo Nation."  
9

## 10 **SECTION TWO. FINDINGS**

11 A. On January 30, 2020, the World Health Organization ("WHO") declared a Public  
12 Health Emergency of International Concern related to the outbreak of the coronavirus  
13 (COVID-19), a highly contagious and sometimes fatal respiratory virus. On January 31,  
14 2020 the U.S. Department of Health and Human Services declared a Public Health  
15 Emergency related to the COVID-19 outbreak. On March 1, 2020 the WHO declared a  
16 global pandemic due to COVID-19.

17 B. On March 11, 2020 the Navajo Nation Commission on Emergency Management, with  
18 the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health  
19 State of Emergency on the Navajo Nation due to COVID-19. Resolution No. CEM 20-  
20 03-11. The Navajo Nation Department of Health has subsequently issued numerous  
21 Public Health Emergency Orders in a comprehensive effort to combat the COVID-19  
22 pandemic.

23 C. Public Health Emergency Order No. 2021-011 dated May 21, 2021 states: "[t]he  
24 Navajo Nation is experiencing a plateau of low [COVID-19] cases, with a slowed  
25 infection rate and no sustained rebound." As a result of this recent trend, Order No.  
26 2021-011 provides for reopening of Navajo Nation businesses, however the reopening  
27 does not include tourists and visitors to the Navajo Nation. **Exhibit A.** The downward  
28 trend of COVID-19 infections is due in large part to widespread vaccinations across the  
29 Navajo Nation.

1 D. A large part of the revenue received by Navajo casinos is generated from tourists and  
2 visitors to the Navajo Nation; however, Order No. 2021-11 does not permit casinos to  
3 open their doors to these important customers. The Navajo Nation Council therefore  
4 believes that a reopening that includes tourists and visitors to the Navajo Nation is  
5 appropriate at this time, so long as casinos continue to implement COVID-19 safety  
6 measures to address any remaining public health concerns.  
7

8 **SECTION THREE. APPROVING THE REOPENING OF NAVAJO NATION**  
9 **CASINOS NOTWITHSTANDING PUBLIC HEALTH EMERGENCY ORDERS**  
10 **RELATED TO COVID-19**

11 A. The Navajo Nation Council hereby approves the reopening of all Navajo Nation  
12 casinos to tourists and visitors to the Navajo Nation, notwithstanding Public Health  
13 Emergency Orders pertaining to COVID-19, provided that all casinos and appurtenant  
14 facilities shall implement and/or continue using the public health safety measures listed  
15 by the Navajo Nation Health Command Operations Center (“NNHCOC”).

16 B. The safety measures are shown on the NNHCOC website <navajoreopening.navajo-  
17 nsn.gov>, as follows:

- 18 1. Ensure physical distance between personnel, customers, and any member of the  
19 public at the place of business is maximized, and that keeping six-feet between  
20 persons is possible at all times.
- 21 2. Address requests of personnel who are members of a vulnerable population for  
22 special accommodations.
- 23 3. Provide that the entity or organization will carry sufficient and appropriate PPE  
24 based on industry best practices.
- 25 4. Provide that the entity or organization will carry sufficient disinfectant products.
- 26 5. Require hygiene practices such as cleaning frequently-touched surfaces and  
27 handwashing.
- 28 6. Provide for conducting regular employee COVID-19 screenings, such as temperature  
29 checks, checklist or diagnostic testing.
- 30 7. Provide for on-going safety training and education on COVID-19.

1 8. Provide standards for how to respond to suspected and confirmed cases of COVID-  
2 19 among employees. The policies and procedures shall further provide contact  
3 information for the nearest healthcare facility, and such information posted  
4 conspicuously at the place of business (e.g., informational poster). The place of  
5 business shall contact the healthcare facility immediately in the event of a suspected  
6 or confirmed case of COVID-19 to consult about next steps. Places of business shall  
7 report suspected or confirmed cases to NHCOC by calling (928) 871-7014.  
8

9 **SECTION FOUR. EFFECTIVE DATE**

10 This action of the Navajo Nation Council herein shall be effective pursuant to 2 N.N.C.  
11 §221(B). Further, the “President's authority to sign into law or veto legislation shall be  
12 deemed waived if not exercised within ten calendar days after certification of the  
13 legislation by the Speaker or Speaker Pro Tem and the legislation shall be deemed enacted  
14 and become effective pursuant to 2 N.N.C. §221.” 2 N.N.C. §1005(C)(12).  
15

16 **SECTION FIVE. SAVINGS CLAUSE**

17 If any provision of this action is determined invalid by the Navajo Nation Supreme Court,  
18 or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme  
19 Court, those provisions not determined invalid shall remain the law of the Navajo Nation.