Legislation No: _0097-21_  
Sponsor: Rick Nez

Title: 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

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

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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.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL — Third Year, 2021

INTRODUCED BY

[Signature]

(Prime Sponsor)

TRACKING NO. 0091-21

AN ACTION

RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES,
RESOURCES AND DEVELOPMENT, AND NAABIK'INYÁTI'
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

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Health, Education and Human Services Committee is a standing committee of the
Navajo Nation Council. 2 N.N.C. §400(A). The Committee provides “legislative
oversight on matters involving health,” and oversees “Navajo Nation efforts in
implementing and ensuring compliance with employment and labor laws and policies
of the Navajo Nation.” 2 N.N.C. §400(C)(1) and §400(C)(3). In addition, the
Committee has the authority to review and recommend “[r]esolutions relating to ...
health, environmental health, ... employment and labor.” 2 N.N.C. §401(B)(6)(a).

B. The Resources and Development Committee is a standing committee of the Navajo
Nation Council. 2 N.N.C. §500(A). The Committee has oversight authority over
matters such as economic and community development, commerce and trade. 2 N.N.C.
§500(C). The Committee also has the authority to review the operations of the Navajo Nation enterprises. 2 N.N.C. §500(B)(4)(e).

C. The Naabik’iyáti’ Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. §700(A). The Committee, among other responsibilities, has authority over proposed resolutions requiring “final action by the Navajo Nation Council.” 2 N.N.C. §164(A)(9).

D. Pursuant to 2 N.N.C. §102(A), the Navajo Nation Council is the “governing body of the Navajo Nation.”

SECTION TWO. FINDINGS


C. Public Health Emergency Order No. 2021-011 dated May 21, 2021 states: “[t]he Navajo Nation is experiencing a plateau of low [COVID-19] cases, with a slowed infection rate and no sustained rebound.” As a result of this recent trend, Order No. 2021-011 provides for reopening of Navajo Nation businesses, however the reopening does not include tourists and visitors to the Navajo Nation. Exhibit A. The downward trend of COVID-19 infections is due in large part to widespread vaccinations across the Navajo Nation.
D. A large part of the revenue received by Navajo casinos is generated from tourists and visitors to the Navajo Nation; however, Order No. 2021-11 does not permit casinos to open their doors to these important customers. The Navajo Nation Council therefore believes that a reopening that includes tourists and visitors to the Navajo Nation is appropriate at this time, so long as casinos continue to implement COVID-19 safety measures to address any remaining public health concerns.

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

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

B. The safety measures are shown on the NNHCOC website <navajoreopening.navajoons.gov>, as follows:

1. Ensure physical distance between personnel, customers, and any member of the public at the place of business is maximized, and that keeping six-feet between persons is possible at all times.

2. Address requests of personnel who are members of a vulnerable population for special accommodations.

3. Provide that the entity or organization will carry sufficient and appropriate PPE based on industry best practices.

4. Provide that the entity or organization will carry sufficient disinfectant products.

5. Require hygiene practices such as cleaning frequently-touched surfaces and handwashing.

6. Provide for conducting regular employee COVID-19 screenings, such as temperature checks, checklist or diagnostic testing.

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

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

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