



24th NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, RICKIE NEZ, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0097-21.

If there are any co-sponsors, they may re-sponsor the same
bill by beginning a new legislation.

SPONSOR SIGNATURE:



DATE:

07-19-21

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

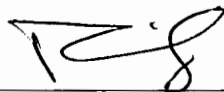
PURPOSE: The purpose of this legislation is for the Navajo Nation Council to approve the reopening of Navajo casinos including tourists and visitors to the Navajo Nation.

5-DAY BILL HOLD PERIOD VERMASE
Website Posting Time/Date June 14, 2021 3:35 PM
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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY



(Prime Sponsor)

R. N. Nez

TRACKING NO. 0097-21

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

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.

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.



**PUBLIC HEALTH ORDER
NAVAJO DEPARTMENT OF HEALTH
NAVAJO OFFICE OF ENVIRONMENTAL HEALTH & PROTECTION PROGRAM**

May 21, 2021

Public Health Emergency Order No. 2021-011

Public Health Emergency Order Continuing “Yellow Status” for Businesses

- I. Paragraphs I – IX from Public Health Emergency Order No. 2020-004 are incorporated herein, addressing the various Navajo Nation (Nation) authorities related to the current COVID-19 Public Health Emergency as well as escalating incidents and community spread of COVID-19 on the Nation.
- II. In response to COVID-19, the Navajo Nation has established the “Navajo Nation Reopening Plan,” to declare the Nation’s “status” according thereto, and to guide businesses in proper compliance with the plan. All provisions of this Order are to be interpreted to effectuate this intent. Failure to comply with any provision of this Order constitutes an imminent threat and menace to public health.
- III. The Navajo Nation is experiencing a plateau of low cases, with a slowed infection rate and no sustained rebound. The Nation remains vigilant as neighboring states are reducing restrictions rapidly and new COVID variants are present and being monitored in states surrounding the Navajo Nation. As coronavirus vaccines are being made available on the Navajo Nation, all preventative precautions should continue to be adhered to after receiving the vaccine. The Navajo Nation recently documented cases of COVID-19 UK variant (B.1.1.7) and California variant (B.1.429) within the Navajo Nation. According to the CDC, these variants seem to spread more easily and quickly.
- IV. Pursuant to Navajo Nation Resolution No. CMA-16-20, the Nation’s roads remain closed to Visitors for the duration of the declared public health emergency, and Visitors are advised to refrain from traveling to the Navajo Nation. Tribal parks will not be accessible to Visitors and Tourists during this time. Visitors and Tourists will be informed when the Navajo Nation can safely welcome Visitors back to the Nation.

THEREFORE, NOTICE IS GIVEN that pursuant to the power and authority set forth in the NDOH enabling legislation (NNC Resolution No. CO-50-14) and in conjunction with the Navajo Nation Public Health State of Emergency Declaration (CEM Resolution No. 20-03-11):

- A. The Navajo Nation Reopening Plan is declared binding on all businesses on the Navajo Nation. Available at <https://www.navajoreopening.navajo-nsn.gov/>.

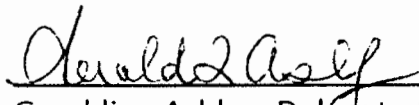
- B. Per the Plan's "reopening status schedule," the Navajo Health Command and Operations Center ("NHCOC"), having evaluated the current state of the Navajo Nation per the gating criteria and public health considerations provided in the Plan, declares the Nation to continue in **Yellow status**. All businesses shall be bound to the conditions and requirements of Yellow status. The NHCOC will announce any future status changes by Public Health Emergency Order.
- C. Yellow status is defined as: 50% of maximum occupancy allowed for most businesses. Restaurants and Dining facilities: drive-thru and curbside permissible. Restaurants with permanent outdoor dining may provide outdoor dining at 50% of maximum occupancy, as long as social distancing between tables is enforced; Restaurants without permanent outdoor dining are allowed up to 10 outdoor tables (max 4 persons per table), as long as social distancing between tables is enforced; Personal Care and Services: service by appointment only and allow time for cleaning between appointments. Casinos and video poker: Navajo casinos are allowed to open at 50% of maximum occupancy to Navajo Nation residents, citizens and employees only (no visitors and tourists). Lodging and hotels including campgrounds and RV parks are allowed at 50% of maximum occupancy.
- D. Restaurants may provide indoor dining at 50% of maximum occupancy. Marinas and parks are allowed to open at 50% of maximum occupancy to Navajo Nation residents, citizens and employees only (no visitors and tourists). Tour businesses must follow the HCOC Reopening Guidelines for Tour Businesses. Museums and zoos are allowed to open at 50% of maximum occupancy.
- E. Flea markets and roadside markets are allowed in accordance with guidelines issued by HCOC, including:
 - 1. Temporary food stands are permitted to operate under the same provisions as temporary food service establishment under the Navajo Nation Food Service Sanitation Code/Regulations.
 - 2. Permit and food handler's card are required to be displayed during operation.
 - 3. If expired, any vendor must renew permit and food handler's card prior to operation.
 - 4. Management entities overseeing or managing the site where vending is occurring, shall be responsible for ensuring that these guidelines are followed. Management Entity: The owner of the permanent property where temporary vendors are conducting business. Includes individuals, businesses, and local governance units.
- F. Currently Not Allowed in the Yellow Phase: youth programs. The HCOC is evaluating reopening youth programs. Further guidance will be issued in the future to reopen.
- G. Not Allowed in Yellow Phase: gyms, recreation facilities, movie theaters.

H. All businesses are required to submit a COVID-19 Reopening Plan to the Navajo Nation Division of Economic Development before reopening in Yellow Status. Reopening plans can be emailed to: navajoeconomy@navajo-nsn.gov

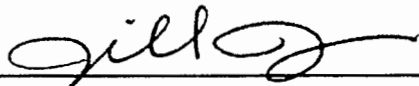
NOTICE IS FURTHER GIVEN that this Order shall not abrogate any disease-reporting requirements (consistent with HIPAA privacy standards).

NOTICE IS FURTHER GIVEN that this Order shall take effect Monday, May 24, 2021 at 5:00 A.M. MDT, and shall remain in effect until amended or rescinded by the Health Command Center.

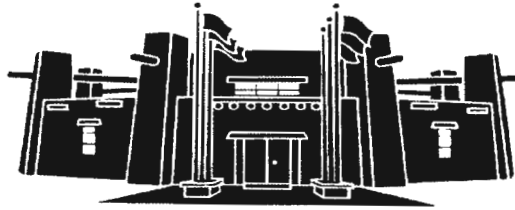
ADDITIONAL ADVISORIES AND ORDERS WILL FOLLOW AS CONDITIONS WARRANT. SO ORDERED THIS 21st Day of May, 2021..



Geraldine Ashley, Delegated Program Supervisor III
Navajo Office of Environmental Health &
Protection Program
Navajo Department of Health




Dr. Jill Jim, Executive Director
Navajo Department of Health
Health Command Operations Center



MEMORANDUM

TO : Honorable Rick Nez, Delegate
24th Navajo Nation Council

FROM : 
Luralene D. Tapahe, Principle Advocate
Office of Legislative Counsel

DATE : June 11, 2021

SUBJECT : **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**

I have prepared the above referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, however, as with any legislation, it can be subject to review by the courts in the event of a proper challenge. Also, please understand that the Speaker is authorized to refer this proposed resolution to committees other than those listed in the legislation.

You are advised and encouraged to review the proposed resolution to ensure it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as “sponsor” and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahe'he'.

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

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0097-21

SPONSOR: Honorable 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

Posted: June 14, 2021 at 3:35 PM

5 DAY Comment Period Ended: June 19, 2021

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	1.) Julius Elwood



**Legislative Tracking Secretary
Office of Legislative Services**

June 21, 2021 8:00 AM

Date/Time

Legislation 0097-21 and Legislation 0098-21

Julius Elwood <jrelwood7@gmail.com>

Tue 6/15/2021 11:09 PM

To: comments <comments@navajo-nsn.gov>;

I believe this is a non enforceable law that is more for show than reality. Let's be honest the Navajo Nation Police Department cannot enforce this law anyway. We have many construction projects that have zero safety requirements that bring non-Navajo workers onto the Navajo Nation for months now while other companies are held to higher standards because they are higher profile companies that have to adhere to extremely strict policies, which they are more than happy to do. But we are now told to stay out of Navajo because we are seen in the same light as tourist! We're not tourist, we are essential employers who will enforce the most restrictive and highest level protocol requirements than most businesses ever to be on the Navajo Nation. We are required to have all crew members to have to be fully vaccinated but we still have to be tested every 3 days, 5 days an weekly depending on the proximity to each other. This is more strict than anything I have ever seen so I think we should be able to work and not be labeled as the same as tourists, we are essential employers who want to hire Navajo people to make money for their families at these critical times! Please open the Navajo Nation for TV productions and movie productions on the Navajo Nation!

WARNING: External email. Please verify sender before opening attachments or clicking on links.

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
24TH NAVAJO NATION COUNCIL**

THIRD YEAR 2021

COMMITTEE REPORT

Mr. Speaker,

The **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE** to whom has been assigned:

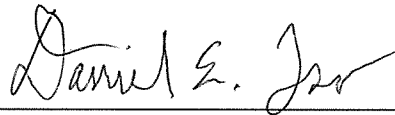
Legislation No. 0097-21: An Action Relating to the Health, Education and Human Services, Resources and Development, and Naabik'íyáti' Committees and the Navajo Nation Council; Approving the Reopening of all Navajo Nation Casinos to Navajo Nation Visitors and Tourists Notwithstanding Public Health Emergency Orders Pertaining to COVID-19

Sponsor: Rickie Nez, Council Delegate

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendments

And thereafter referred to the Resources and Development Committee.

Respectfully submitted,



Daniel E. Tso, Chairman
Health, Education and Human Services Committee
24th Navajo Nation Council

Date: June 23, 2021

Main Motion:

Motion : Honorable Carl R. Slater
Second : Honorable Edison J. Wauneka
Vote : 4-0-2

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
June 23, 2021

Legislation No. 0097-21: 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
Sponsor: Rickie Nez, Council Delegate

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Carl R. Slater

Second: Honorable Edison J. Wauneka

Yea: Carl Slater; Pernell Halona; Charlaine Tso; Edison J. Wauneka

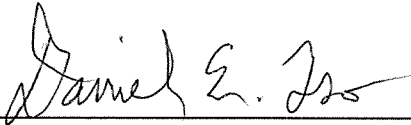
Nay: None

Not Voting: Paul Begay, Jr.; Daniel E. Tso (Presiding Chair)

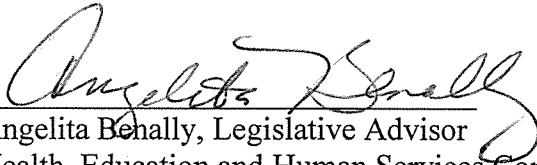
Excused:

Absent:

Vote: 4-0-2



Daniel E. Tso, Chairman
Health, Education and Human Services Committee
24th Navajo Nation Council



Angelita Benally, Legislative Advisor
Health, Education and Human Services Committee
Office of Legislative Services

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

THIRD YEAR 2021

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION # 0097-21: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, NAABIK'IYATI COMMITTEES AND THE NAVAJO NATION COUNCIL; APPROVING THE RE-OPENING OF ALL NAVAJO NATION CASINOS TO NAVAJO NATION VISITORS AND TOURISTS NOTWITHSTANDING PUBLIC HEALTH EMERGENCY ORDERS PERTAINING TO COVID-19. *Sponsor: Honorable Rickie Nez*

Has had it under consideration and reports a DO PASS with no amendments

And thereafter the legislation was referred to Naabik'Iyati Committee.

Respectfully submitted,



Thomas Walker, Jr., Vice-Chairperson
Resources and Development Committee of
the 24th Navajo Nation Council

Date: June 30, 2021 –Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:

Motion: Kee Allen Begay, Jr. S: Herman M. Daniels V: 5-0-1 (VCNV)

In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay Jr., Herman M. Daniels, and Rickie Nez

Excuse: None

Not Voting: Presiding Vice-Chairperson Thomas Walker, Jr.

(NOTE: VOTE TALLY attached hereto)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

THIRD YEAR 2021

ROLL CALL
VOTE TALLY SHEET

LEGISLATION # 0097-21: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, NAABIK'IYATI COMMITTEES AND THE NAVAJO NATION COUNCIL; APPROVING THE RE-OPENING OF ALL NAVAJO NATION CASINOS TO NAVAJO NATION VISITORS AND TOURISTS NOTWITHSTANDING PUBLIC HEALTH EMERGENCY ORDERS PERTAINING TO COVID-19. *Sponsor: Honorable Rickie Nez*

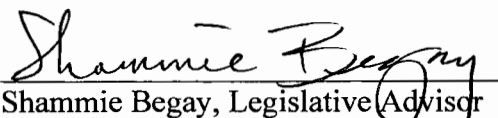
Date: June 30, 2021 –Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:

Motion: Kee Allen Begay, Jr. S: Herman M. Daniels V: 5-0-1 (VCNV)
In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay Jr., Herman M. Daniels, and Rickie Nez
Excuse: None
Not Voting: Presiding Vice-Chairperson Thomas Walker, Jr.



Honorable Thomas Walker, Jr., Presiding Vice-Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services