24th NAVAJO NATION COUNCIL
LEGISLATION SPONSORSHIP WITHDRAWAL

I, Eugene Tso, Primary Sponsor of proposed legislation hereby withdraw my sponsorship of the proposed legislation. The legislation tracking number is 0068-20

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

SPONSOR SIGNATURE: _____

DATE: April 10, 2020

Office of Legislative Services • Post Office Box 3390 • Window Rock, AZ 86515
(928) 871-6380 / 7254 • Fax (928) 871-7259

LEGISLATIVE SUMMARY SHEET

Tracking No. 0068-20

DATE: March 19, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; ESTABLISHING THE NAABIK'IYATI' COMMITTEE AS THE COMMITTEE OF THE WHOLE; EXCEPT FOR NAABIK'IYATI' COMMITTEE AUTHORITIES, WAIVING STANDING COMMITTEE AUTHORITIES IN THE NAVAJO NATION CODE, INCLUDING COMMITTEE AUTHORITIES AT 2 N.N.C. §§ 102, 106, 164, 167, 169, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222, 285(B)(6), 300 – 302, 400 – 403, 505 – 503, 600 – 603

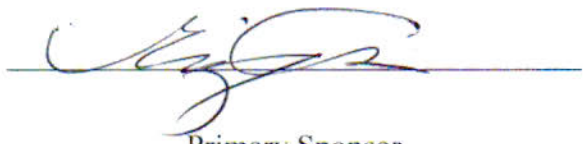
PURPOSE: This emergency resolution establishes the Naabik'iyati' Committee of the Navajo Nation Council as the "Committee of the Whole". Except for Naabik'iyati' Committee authorities, the action waives standing committee authorities in the Navajo Nation Code, including committee authorities at 2 N.N.C. §§ 102, 106, 164, 167, 169, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222, 285(B)(6), 300 – 302, 400 – 403, 505 – 503, 600 – 603. The Naabik'iyati' Committee will exercise all powers and authorities of other standing committees.

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



Primary Sponsor

TRACKING NO. 0068-20

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; ESTABLISHING THE NAABIK'IYATI' COMMITTEE AS THE COMMITTEE OF THE WHOLE; EXCEPT FOR NAABIK'IYATI' COMMITTEE AUTHORITIES, WAIVING STANDING COMMITTEE AUTHORITIES IN THE NAVAJO NATION CODE, INCLUDING COMMITTEE AUTHORITIES AT 2 N.N.C. §§ 102, 106, 164, 167, 169, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222, 285(B)(6), 300 – 302, 400 – 403, 505 – 503, 600 – 603

BE IT ENACTED:

Section One. Authorities

A. The Navajo Nation Council is the governing body of the Navajo Nation pursuant to 2 N.N.C. § 102(A).

B. The Navajo Nation shall have all powers to regulate the conduct of its members and have the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of its committees. 2 N.N.C. §§ 102(D) and (E).

C. 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 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 Two. Findings

A. In light of the Navajo Nation's Emergency Declaration, attached as **Exhibit A**, regarding the outbreak of Dikos Ntsaaígíí Náhást'éíts'áadah, the COVID-19 Coronavirus, it is imperative that the Navajo Nation Council take precautionary measures to mitigate the transmission of COVID-19 to the Navajo public, Navajo Nation employees and the members of the Navajo Nation Council.

B. COVID-19 is a new coronavirus that has not been previously identified. There is currently no vaccine for the disease. It has shown a high mortality rate among older adults and people with serious chronic medical conditions like heart disease, diabetes and lung disease. It is spread by person-to-person contact and is easily spread in the community ("community spread"). *See* cdc.gov/coronavirus

C. The first case of a member of the Navajo Nation testing positive for COVID-19 was announced on Tuesday, March 17, 2020. Press release from the Office of President and Vice-President is attached as **Exhibit B**.

D. Because COVID-19 spreads easily, the Navajo Nation Council has made it possible for the Navajo Nation Council to have its various meetings by teleconferencing. CMA-04-20.

E. To further limit the spread COVID-19 the Navajo Nation Council finds that conducting its Standing Committee meetings through the Naabik'iyati' Committee functioning as a "Committee of the Whole" will reduce the number of Legislative Branch staff who would ordinarily staff all the Standing Committee meetings.

A. For purposes of this resolution, the Naabik'iyati' Committee functioning as the "Committee of the Whole" means the Naabik'iyati' Committee would make final decisions on legislation and business that would ordinarily come within the authority of the Budget and Finance Committee, the Resources and Development

Committee, the Law and Order Committee and the Health and Human Services Committee. All Navajo Nation Council delegates are members of the Naabik'iyati' Committee and would participate (pursuant to the Standing Committee Rules) in the debate and vote on matters brought before the Naabik'iyati' Committee regardless of whether legislation was originally within the final authority of a particular Standing Committee.

B. The Navajo Nation Council finds that an emergency exists which affects the health of the Navajo Nation. The emergency arises due to a pressing public need and it is a matter requiring final action by the Council.

Section Three. Waiving Provisions of Navajo Nation Code; Navajo Nation Council Resolutions

A. Except for Nabik'iyati' Committee authorities, the Navajo Nation Council hereby waives all provisions of Standing Committee authorities in the Navajo Nation Code, including committee authorities referenced at 2 N.N.C. §§ 102, 106, 164, 167, 169, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222, 285(B)(6), 300 – 302, 400 – 403, 505 – 503, and 600 – 603.

B. All Navajo Nation Council resolutions shall be construed consistent with the action herein.

Section Four. Approval of the Naabik'iyati' Committee to function as the Committee of the Whole; Standing Committees

A. The Navajo Nation Council hereby establishes the Naabik'iyati' Committee as the "Committee of the Whole." As such, the Naabikiyati Committee shall be authorized to exercise all authorities of Standing Committees of the Navajo Nation Council. These authorities shall include those specified in Title 2, Navajo Nation Code, and those referenced in Navajo Nation Council resolutions.

B. Pending the duration of this emergency action of the Navajo Nation Council, Standing Committees, other than the Naabik'iyati' Committee, shall not convene for any purpose, including meetings and work sessions.

Section Five. Effective Date; Duration of Action

A. The provisions of this action shall become effective when certified by the Speaker of the Navajo Nation Council pursuant to 2 N.N.C. § 221 (A).

B. The provisions of this action shall remain effective until otherwise determined by resolution of the Navajo Nation Council.

EXHIBIT
tabbies
A

EXECUTIVE ORDER NO. 001-20

DECLARING A STATE OF EMERGENCY DUE TO THE CONFIRMATION OF THE COVID-19 VIRUS IN REGIONAL AREAS SURROUNDING THE NAVAJO NATION, CLOSING THE NAVAJO NATION GOVERNMENT OFFICES, AND SUPPORTING THE CLOSURE OF ALL SCHOOLS AND EDUCATIONAL FACILITIES ON THE NAVAJO NATION

NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT
MARCH 13, 2020

WHEREAS:

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and program matters. 2.N.N.C. §1005 (A);

2. The President shall have the enumerated power of issuing an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation in the manner set forth in such statutes. 2.N.N.C. §1005 (C)(14);

3. With the concurrence of the President of the Navajo Nation, the Emergency Management Commission shall have the power to declare a state of emergency affecting the Navajo Nation and to obtain, coordinate and oversee assistance, whether in the form of goods, services, equipment, motor vehicles, or personnel, from all Divisions, Departments and Enterprises of the Navajo Nation for use in addressing the requirements of the People in any declared emergency. 2 N.N.C. § 884(B)(1)(3);

4. The Emergency Management Commission declared an emergency due to the confirmation of the coronavirus disease (COVID-19) in regional areas surrounding the Navajo Nation. 2 N.N.C. § 884(B)(1), *See* Emergency Management Commission resolution CEM 20-03-11;

5. An Executive Order shall have the force of law upon the recipient. 2 N.N.C. § 1005(C)(14).

THEREFORE:

I, Jonathan Nez, President of the Navajo Nation and I, Myron Lizer, Vice President of the Navajo Nation, by the authority vested in us, hereby issue the following order:

1. With the support of the Emergency Management Commission, CEM-20-03-11, a public health state of emergency is declared affecting the Navajo Nation citizens and residents due to confirmation of the spread of the COVID-19 virus in every state surrounding the Navajo Nation, *see* White House Proclamation, NM Governor Lujan Grisham statement, Utah Governor Herbert Executive Order, Arizona Governor Ducey Executive Order and Declaration of Emergency, as such:

    a. The Navajo Department of Health Command Operations Center shall be staffed throughout the emergency condition under the direction of the Director, Dr. Jill Jim, Navajo Department of Health; and,

    b. The Navajo Department of Emergency Management Emergency Operation Center shall be activated to support the Navajo Department of Health Command Center; and,

    c. All Navajo Nation Branches, Divisions, Departments, programs, offices, and Enterprises shall comply with and adhere to directives, instructions, and/or policies coming from the Navajo Department of Health as related to addressing COVID-19.

2. The Navajo Nation has issued travel restrictions due to the COVID-19 virus which restricted or canceled all off-reservation travel and directed all Navajo Nation employees to return from current off-reservation travel; however, the action of surrounding States by restricting large gatherings and closure of government offices has heightened the concern of the spread of the COVID-19, as such:

    a. All Navajo Nation government offices shall close to minimize the spread of the COVID-19 virus beginning March 16 to April 3, 2020 and only essential personnel as determined by the Division Director shall report to their respective duty stations – including Navajo Public Safety, Navajo Fire Department, Navajo Emergency Medical Services, Department of Emergency Management, Navajo Division of Finance, Navajo Division of Social Services, and those determined by the Branch Chiefs; and,

    b. All non-essential Navajo Nation government employees, including non-certified Chapter employees, affected by this Executive Order shall be granted Administrative Leave for the duration of the closure and are expected to refrain from events, gatherings, or other areas where they may contract the COVID-19 virus; and,

    c. The closure of Navajo Nation government offices may be extended beyond April 3, 2020 on the recommendation of the Navajo Department of Health Command Operations Center and the Navajo Department of Emergency Management Operation Center.

3. The Navajo Nation Board of Education declared an emergency affecting all schools on the Navajo Nation due to the spread of the COVID-19 virus and recommended, among other measures, the closure of all schools and educational facilities on the Navajo Nation to protect our children, their parents, and care givers, NNBEMA-608-2020, as such:

   a. Public Law 100-297 grant schools, Public Law 93-638 contract schools, and Bureau of Education operated schools shall be closed from March 16 to April 3, 2020; and,

   b. Public schools, including grant schools, private schools, higher education institutions, early childhood programs, including CCDF, Head Start, FACE programs, and all after school programs located on the Navajo Nation shall be closed from March 16 to April 3, 2020; and,

   c. Off reservation residential halls and dormitories for Navajo students operating under the authority of the Navajo Nation will follow the process and procedure for this host school district; and,

   d. The Navajo Board of Education may recommend an extension of the closing of the schools and educational facilities beyond April 3, 2020.

The Divisions, Departments and Enterprises are responsible for implementing and ensuring compliance with this order.

The provisions of this order shall be implemented consistent with the laws of the Navajo Nation and in a manner that advances the highest welfare of the People.

EXECUTED this 13th day of March 2020

Jonathan Nez, *President*
THE NAVAJO NATION

Myron Lizer, *Vice-President*
THE NAVAJO NATION

ATTEST:

Doreen N. McPaul, *Attorney General*

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

CEM-20-03-11

RESOLUTION OF THE COMMISSION ON EMERGENCY MANAGEMENT

DECLARING A PUBLIC HEALTH STATE OF EMERGENCY FOR THE NAVAJO NATION DUE TO THE CONFIRMATION OF THE CORONAVIRUS DISEASE ("COVID-19") IN REGIONAL AREAS SURROUNDING THE NAVAJO NATION.

WHEREAS:

1. Pursuant to 2 N.N.C., § 881 the Navajo Nation Council established the Commission on Emergency Management, authorizing it to assess, verify, recommend and declare states of emergency with the concurrence of the President of the Navajo Nation; and

2. Pursuant to 2 N.N.C., § 883 (A) and (C) the Commission is empowered to coordinate immediate emergency and disaster relief services with Navajo Nation and non-tribal entities in conjunction with the Department of Emergency Management to recommend and deploy appropriate resources regarding natural and man-made emergencies; and

3. Pursuant to 2 N.N.C., § 884 (B), (2) the Commission on Emergency Management may seek assistance from federal, state, other tribal governments, and local and private agencies to address emergency and disaster related situations; and

4. The nature of the Coronavirus Disease ("COVID-19") is such that it has spread and increased globally, as indicated by the Centers for Disease Control & Prevention ("CDC"), the World Health Organization ("WHO"), and other public health organizations within the U.S. and regionally; and

5. In the U.S. the number of positive and presumptive positive cases have grown, with the rise in COVID-19 confirmed cases in Arizona, New Mexico, Utah, Colorado; and

6. No confirmed COVID-19 cases have been verified on the Navajo Nation and area Public Health Services are closely monitoring the situation; and

7. The Navajo Nation, in collaboration with various entities such as the U.S. Public Health Services Area Offices (Albuquerque, Navajo, Phoenix), CDC, state departments of health, Navajo Nation 638 Tribal Health Organizations and various other multi-agency groups, have organized an incident command approach to mitigate COVID-19 transmission on the Navajo Nation; and

8. In partial response to addressing the spread of COVID-19 on the Navajo Nation, a Navajo Department of Health ("NDOH") Command Operations Center has been established with an infrastructure to maintain situational awareness, conduct daily communication briefings among NDOH and key collaborative partners and, disseminate information to the public; and

9. The Navajo Department of Emergency Management (NDEM) Emergency Operation Center (EOC) shall be activated to support the Navajo Department of Health Command Center.

10. Locally, it is acknowledged and understood that the threat of transmission of COVID-19 needs to be mitigated to reduce risk of exposure to the Navajo People and the resultant consequential public health impacts.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Navajo Nation Commission on Emergency Management hereby declares a Public Health State of Emergency for the Navajo Nation due to the confirmation of the Coronavirus Disease ("COVID-19") in regional areas surrounding the Navajo Nation.

2. To address increased concerns of potential public health impacts due to risk and exposure to the COVID-19, especially to our older population, the Navajo Nation must encourage independent responsibility and action by the Navajo People in practicing recommended preemptive measures to minimize, prevent and reduce risk of exposure to and from the COVID-19.

3. The Navajo Nation population receives timely, consistent and correct information needed on the COVID-19 on preventive measures against contracting and spread of the virus, signs, symptoms and contacting local hospitals and clinics for reporting.

4. In declaring the Public Health State of Emergency, all Navajo Nation Branches, programs, departments will comply with and adhere to directives, instructions, and/or policies forthcoming from the Navajo Department of Health as related to addressing COVID-19.

5. The needs of the Navajo Nation are to be addressed in a manner so as to provide the necessary resources required to address said Declared Public Health State of Emergency. This includes, but not limited to, resources of personnel, medical supplies and equipment, monetary funding, and other resources as may be required to protect the health, safety and welfare of citizens of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Commission on Emergency Management at a duly called meeting at Window Rock, Navajo Nation, Arizona, at which a quorum was present and that same passed by a vote of 4 approved, 0 opposed, and 0 abstained this 11th day of March 2020.

Herman Shorty, Chairperson
Commission on Emergency Management

Motion by: Dicky Bain
Second by: Ben Bennett

CONCURRENCE:

Jonathan Nez, President
THE NAVAJO NATION

Myron Lizer, Vice President
THE NAVAJO NATION

EXHIBIT
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B

The Navajo Nation
Office of the President and Vice President

CONTACTS:
Jared Touchin, Communications Director
(928) 274-4275

Crystalyne Curley, Sr. Public Information Officer
(928) 274-2758

nnopvp.communications@gmail.com

FOR IMMEDIATE RELEASE
March 17, 2020

Member of the Navajo Nation tests positive for COVID-19 coronavirus

WINDOW ROCK, Ariz. – On Tuesday, Navajo Nation President Jonathan Nez and Vice President Myron Lizer were informed by the Navajo Department of Health that a 46-year-old member of the Navajo Nation with recent travel history tested positive for the COVID-19 coronavirus, which is the first confirmed case involving a member of the Navajo Nation.

The Arizona Department of Health confirmed the positive test result from an individual from the community of Chilchinbeto, Ariz., who first reported their symptoms to the Kayenta Health Center in Kayenta, Ariz. The individual was taken to a hospital in Phoenix, Ariz. where the test was conducted by the state's Department of Health. Health and emergency officials are taking the proper precautions to screen and isolate the person's family members.

President Nez and Vice President Lizer will provide more information live at 5:00 p.m. (DST) on Wednesday on KTNN AM 660 and 101.5 FM.

"We have health and emergency experts who have been planning and preparing for this situation for several weeks. We call upon our Navajo people to do their best to remain calm and make good decisions by staying home to prevent the spread of the virus among our communities. We are in close contact with officials from the Kayenta Indian Health Service Unit, Arizona Department of Health, Navajo County, and Navajo Area Indian Health Service to take the proper measures to inform the public, take precautions, and remain proactive," said President Nez.

President Nez and Vice President Lizer also ask for the public to remain calm and to let the health and emergency experts do what they are trained to do in these situations.

"We need our people to remain vigilant and to isolate themselves as much as possible. The health command center has been in full activation in anticipation of this event. We are taking all proper actions at this time," added Vice President Lizer.

In order to provide more resources, President Nez and Vice President Lizer are calling on the 24th Navajo Nation Council to convene once again and appropriate funds for health and emergency professionals to address the COVID-19 coronavirus.

On Tuesday, President Nez and Vice President Lizer were also informed that Navajo Agricultural Products Industry is contributing $1 million to help the Navajo Nation address the spread of the COVID-19 coronavirus.

Questions from the public may be directed to the Navajo Health Command Operations Center at (928) 871-7014. If a person has symptoms related to the COVID-19 virus, please contact your local health care center prior to your arrival:

Chinle Comprehensive Health Care Facility
(928) 674-7001/7688

Crownpoint Health Care Facility
(505) 786-5291/6381

Fort Defiance Indian Hospital Board, INC
(928) 729-8000

Gallup Indian Medical Center
(505) 722-1000

Sage Memorial
(928) 755-4500

Kayenta Health Center
(928) 697-4000

Northern Navajo Medical Center
(505) 368-6001

Tuba City Regional Health Care
(866) 976-5941

Utah Navajo Health System
(866) 976-5941

Winslow Indian Health Care Center
(928) 289-4646

Arizona Poison and Drug Information Center
(844) 542-8201

New Mexico Coronavirus Hotline
(855) 600-3453

# # #

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please visit http://www.opvp.navajo-nsn.gov/ or find us on Facebook, Twitter, and Instagram.

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

To : Hon. Seth Damon, Speaker
Navajo Nation Council

From : Mariana Kahn for Ron Haven
Ron Haven, Attorney
Office of Legislative Counsel

Date : March 19, 2020

Re : AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; ESTABLISHING THE NAABIK'IYATI' COMMITTEE AS THE COMMITTEE OF THE WHOLE; EXCEPT FOR NAABIK'IYATI' COMMITTEE AUTHORITIES, WAIVING STANDING COMMITTEE AUTHORITIES IN THE NAVAJO NATION CODE, INCLUDING COMMITTEE AUTHORITIES AT 2 N.N.C. §§ 102, 106, 164, 167, 169, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222, 285(B)(6), 300 – 302, 400 – 403, 505 – 503, 600 – 603

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution drafted is legally sufficient. However, as with all legislation, it can be subject to review by the courts in the event of proper challenge. You are encouraged to review the proposed resolution to ensure that 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 resolution 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. Ahéhee'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0068-20_____ SPONSOR: Seth Damon

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Establishing the Naabik'íyáti' Committee as the Committee of the Whole; Except for Naabik'íyáti' Committee Authorities, waiving Standing Committee authorities in the Navajo Nation Code, including committee authorities at 2 N.N.C. §§ 102, 106, 164, 167, 169, 180, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222, 285(B)(6), 300 – 302, 400 – 403, 505 – 503, 600 – 603

Date posted: March 20, 2020 at 4:04pm

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) 871-7590

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.: 0068-20

SPONSOR: Honorable Seth Damon

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Establishing the Naabik'íyáti' Committee as the Committee of the Whole; Except for Naabik'íyáti' Committee Authorities, waiving Standing Committee authorities in the Navajo Nation Code, including committee authorities at 2 N.N.C. §§ 102, 106, 164, 167, 169, 180, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222, 285(B)(6), 300 – 302, 400 – 403, 505 – 503, 600 – 603

Posted: March 20, 2020 at 4:04 PM

5 DAY Comment Period Ended: Not Subject to 5 Day Comment Period

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Tracking Secretary
Office of Legislative Services

03/23/20 8:37 AM

Date/Time