

## 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

24<sup>th</sup> 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**

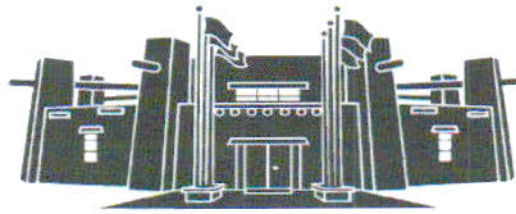
- 8 A. The Navajo Nation hereby declares that all Navajo Nation-owned and maintained  
9 roads shall be closed to all visitors and tourists. The intent of this action is to restrict  
10 travel onto the Navajo Nation by all visitors and tourists.  
11 B. Until this emergency declaration and measures 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.



## MEMORANDUM

To : Hon. Herman Daniels, Delegate  
Navajo Nation Council

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

Date : March 20, 2020

Re : **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**

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'.

OLC # 20-109-1

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

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.

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