

LEGISLATIVE SUMMARY SHEET

Tracking No. 0136-19

DATE: May 22, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION;
AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING
RD CD-97-18 WHICH LIMITED THE WAIVER OF RIGHT-OF-WAY COMPENSATION
TO 50% OF THE ASSESSED COMPENSATION

PURPOSE: The purpose of the resolution is to rescind RD CD-99-18.

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.

5-DAY BILL HOLD PERIOD: 2019-03-28
Website Posting Time/Date: 5:28-19 5:55pm
Posting End Date: 6-2-19
Eligible for Action: 6-3-19

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0136-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING RDCD-97-18
WHICH LIMITED THE WAIVER OF RIGHT-OF-WAY COMPENSATION TO 50%
OF THE ASSESSED COMPENSATION

BE IT ENACTED:

Section One. Authority

Pursuant to 2 N.N.C. Section §501 (B)(2), The Resources and Development Committee of the Navajo Nation Council has the authority to grant final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

Section Two. Findings

Resolution RDCD-97-18 AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A LIMIT OF THE WAIVER OF RIGHT-OF-WAY CONSIDERATION OF UP TO FIFTY PERCENT (50 %) OF THE ASSESSED CONSIDERATION is attached as **Exhibit A**.

Section Three. Rescinding RDCD-97-18

The Resources and Development Committee of the Navajo Nation Council hereby rescinds RDCD-99-18.

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TO 50% OF THE ASSESSED COMPENSATION

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RD CD-97-18

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Fourth Year, 2018

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A
LIMIT OF THE WAIVER OF RIGHT-OF-WAY CONSIDERATION OF UP TO FIFTY
PERCENT (50%) OF THE ASSESSED CONSIDERATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. Pursuant to 2 N.N.C. § 501 (B) (2), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers include, renewals, and terminations.

SECTION TWO. FINDINGS

- A. The Resources and Development Committee receives many requests from utility companies seeking one hundred percent (100%) waivers of payment of right-of-way consideration.
- B. Right-of-way consideration fees generate substantial income for the Navajo Nation which is used to fund Navajo Nation programs for the Navajo People. With the anticipated closure of the Navajo Generating Station, the Navajo Nation will more urgently rely upon funds raised from right-of-way consideration. Because of the obligation to fund Navajo Nation programs, it is in the best interest of the Navajo Nation to limit the waiver of right-of-way consideration.
- C. The Code of Federal Regulations (CFR) § 169.110 (a) (1)(2)(3) provides that the Navajo Nation may negotiate its right-of-way compensation, not require valuation of the right-of-way and authorize that it "[h]as determined that accepting such agreed-upon compensation and waiving valuation is in its best interest".

- D. The Navajo Nation has agreement to waive consideration with the United States Bureau of Reclamation for the Navajo-Gallup Water Supply project. Limiting the waiver of consideration will not apply to these type of agreements between the Navajo Nation and the federal government.

SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby limits the waiver of utility right-of-way consideration to up fifty (50) percent of the total consideration except instances of pre-existing contracts and agreements stating otherwise.

CERTIFICATION

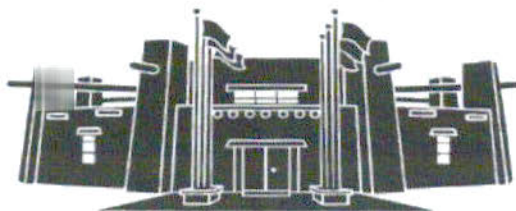
I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Twin Arrows Navajo Casino & Resort, Leupp, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, and 0 opposed, on this 17th day of December 2018.



Alton Joe Shepherd, Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Leonard Pete
Second: Honorable Davis Filfred

Chairperson Alton Joe Shepherd not voting.



MEMORANDUM

TO: Honorable Mark Freeland
Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano,
Nageezi, Crownpoint Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: March 7, 2019

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING RDCD-
97-18 WHICH LIMITED THE WAIVER OF RIGHT-OF-WAY
COMPENSATION TO 50% OF THE ASSESSED COMPENSATION

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting.

Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0136-19

SPONSOR: Mark A Freeland

TITLE: An Action Relating To Resources And Development; Rescinding RDCD-97-18 Which Limited The Waiver Of Right-Of-Way Compensation To 50% Of The Assessed Compensation

Date posted: May 28, 2019 at 5:55 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.

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THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0136-19

SPONSOR: Honorable Mark A Freeland

TITLE: An Action Relating To Resources And Development; Rescinding RDCD-97-18 Which Limited The Waiver Of Right-Of-Way Compensation To 50% Of The Assessed Compensation

Posted: May 28, 2019 at 5:55 PM

5 DAY Comment Period Ended: June 02, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



Legislative Tracking Secretary
Office of Legislative Services

6.3.19 8:34am

Date/Time