LEGISLATIVE SUMMARY SHEET
Tracking No. 0073-19

DATE: March 21, 2019

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; RESCINDING CO-50-13; DECLARING THE NAVAJO NATION'S INTENTION TO MOVE BEYOND COAL SOURCE REVENUES AND FORWARD TO SUSTAINABLE AND RENEWABLE ENERGY SOURCES; DIRECTING THE DEPARTMENT OF JUSTICE TO DRAFT THE NAVAJO NATION ENERGY POLICY OF 2019 IN CONFORMITY WITH THIS DECLARATION; ESTABLISHING THE NAVAJO GENERATING STATION-KAYENTA MINE TRANSITION TASKFORCE; DIRECTING DIVISION DIRECTORS TO REPORT REGARDING ADHERENCE TO THE CHANGE IN THE NATION'S ENERGY POLICY

PURPOSE: If approved this legislation would rescind CO-50-13 which is the Navajo Nation Energy Policy of 2013. The legislation would also direct the Navajo Nation Department of Justice to draft the Energy Policy of 2013 which would move the Navajo Nation beyond coal source revenues and forward to sustainable, renewable energy sources.

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: SNOTAH
Website Posting Time/Date:
Posting End Date: 3/26/2019
Eligible for Action: 3/27/2019

Resources and Development Committee
Thence
Naabik'íyáti Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL—First Year, 2019

INTRODUCED BY

Elmer P Begay

Primary Sponsor

TRACKING NO. 0073-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; RESCINDING CO-50-13; DECLARING THE NAVAJO NATION'S INTENTION TO MOVE BEYOND COAL SOURCE REVENUES AND FORWARD TO SUSTAINABLE AND RENEWABLE ENERGY SOURCES; DIRECTING THE DEPARTMENT OF JUSTICE TO DRAFT THE NAVAJO NATION ENERGY POLICY OF 2019 IN CONFORMITY WITH THIS DECLARATION; ESTABLISHING THE NAVAJO GENERATING STATION-KAYENTA MINE TRANSITION TASKFORCE; DIRECTING DIVISION DIRECTORS TO REPORT REGARDING ADHERENCE TO THE CHANGE IN THE NATION'S ENERGY POLICY

BE IT ENACTED:

Section One. Authority

A. The Navajo Nation Council established the Resources and Development Committee as a Navajo Nation standing committee and empowered Resources and Development Committee to exercise oversight authority over land pursuant to 2 N.N.C. § 500(C).

B. Naabik'íyáti' Committee as a Navajo Nation Council standing committee and proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the the Naabik'íyáti' Committee. 2 N.N.C. §§ 700 (A), 164 (A)(9).

C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102.

Section Two. Findings

A. The energy resources of the Navajo Nation are owned by the Navajo Nation and are to be administered and managed by the Nation for the benefit of all Diné.

B. For several decades, the Navajo Nation has generated revenue from coal resources; the latest examples of such endeavors are the Navajo Generating Station and the Kayenta Mine.

C. The time has come for the Navajo Nation to begin the movement from coal source revenues to more sustainable and renewable energy sources.

D. This move to sustainable, renewable energy sources adheres to the Navajo traditional relationship to the natural world recognized in 1 N.N.C. 202 as Nahasdzáán dóó Yádiłhił bitsą́ądę́ę́ beehaz'áanii (Natural Law). The Natural Law provides "sanctuary for the Diné life and culture, our relationship with the world beyond the sacred mountains, and the balance we maintain with the natural world." The Navajo People have traditionally lived with Mother Earth, Father Sky, the four-legged, winged beings and the insects on Mother Earth recognizing the kinship of all. This policy movement from coal source revenues to sustainable, renewable energy sources is in conformity with this fundamental understanding of Navajo traditional thinking.

Section Three. Rescinding CO-50-13

A. The Navajo Nation Council hereby rescinds CO-50-13, the Navajo Nation Energy Policy of 2013.

Section Four. Declaring the Navajo Nation's intention to move beyond coal source revenues and forward to sustainable and renewable energy sources

The Navajo Nation Council hereby declares the intention of the Nation to move beyond coal source revenues and forward to sustainable and renewable energy sources.

Section Five. Directing the Department of Justice to draft the Navajo Nation Energy Policy of 2019 in conforming with the Navajo Nation's declaration to move beyond coal source revenues and forward to sustainable and renewable energy sources

A. Department of Justice is hereby directed to draft the Navajo Nation Energy Policy of 2019 in conforming with the Navajo Nation's declaration to move beyond coal source revenues and forward to sustainable and renewable energy sources.

B. The draft of the Navajo Nation Energy Policy of 2019 shall be presented to the Navajo Nation Council at a work session and later presented to the Navajo Nation Council for final adoption.

Section Six. Establishing the Navajo Generating Station-Kayenta Mine Transition Taskforce

A. The Navajo Nation Council hereby establishes the Navajo Generating Station-Kayenta Mine Transition Taskforce (Taskforce) to provide recommendations to the Navajo Nation Council regarding replacement revenues for the Nation; to provide recommendations for reclamation and re-purposing of the Navajo Generating Station and Kayenta Mine sites; and to provide recommendations for assistance to displaced workers such as job training, placement services, and priority hiring for coal mine reclamation and coal plant decommissioning. The Taskforce's duties shall conform to the policy of the Navajo Nation moving beyond coal source revenues and forward to sustainable and renewable energy sources.

B. The Navajo Generating Station-Kayenta Mine Transition Taskforce members shall be composed of the Director of the Division of Economic Development, the Director of Natural Resources, the Director of the Division of Community Development, the President of the Navajo Nation, the Speaker of the Navajo Nation Council or their designees. The Director of the Division of Economic Development shall be the chairperson of the Taskforce and the Division of Economic Development shall provide the support staff for generating the Taskforce's reports. The Department of Justice shall provide legal assistance to the Taskforce.

C. The Navajo Generating Station-Kayenta Mine Transition Taskforce shall convene its first meeting no later than two weeks after the enactment of this resolution and shall convene regular meetings.

D. The Navajo Generating Station-Kayenta Mine Transition Taskforce shall provide a report to the Navajo Nation Council no later than June 7, 2019 at which time the Navajo Nation Council may decide whether to continue the Taskforce, reconfigure its functions, or delegate the Taskforce's responsibilities to other divisions, departments or entities.

Section Seven. Directive to the Division of Economic Development, Division of Natural Resources, Division of Community Development, and Environmental Protection Agency to present reports to their oversight committees and the Navajo Nation Council on how they are conforming to the policy on transition beyond coal source revenues to a more sustainable and renewable energy source

A. The Division of Natural Resources, Division of Economic Development, Division of Community Development and the Environmental Protection Agency are directed to present reports to their oversight committees showing how they are conforming to the transition beyond coal source revenues to a more sustainable and renewable energy source,

B. The Division of Natural Resources, Division of Economic Development, Division of Community Development and the Environmental Protection Agency are directed to present proposed changes to their plans of operation to conform to the transition beyond coal source revenues to a more sustainable and renewable energy source.

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

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Elmer Begay
Dilcon, Indian Wells, Teesto, Whitecone, Greasewood Springs Chapters

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

DATE: March 21, 2019

SUBJECT: PROPOSED NAVAJO NATION COUNCIL RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; RESCINDING CO-50-13; DECLARING THE NAVAJO NATION'S INTENTION TO MOVE BEYOND COAL SOURCE REVENUES AND FORWARD TO SUSTAINABLE AND RENEWABLE ENERGY SOURCES; DIRECTING THE DEPARTMENT OF JUSTICE TO DRAFT THE NAVAJO NATION ENERGY POLICY OF 2019 IN CONFORMITY WITH THIS DECLARATION; ESTABLISHING THE NAVAJO GENERATING STATION-KAYENTA MINE TRANSITION TASKFORCE; DIRECTING DIVISION DIRECTORS TO REPORT REGARDING ADHERENCE TO THE CHANGE IN THE NATION'S ENERGY POLICY

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 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).