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: 5:50pm 3/21/19
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).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0073-19__ SPONSOR: Elmer Begay

TITLE: An Action Relating To Resources And Development Committee, NAABIK'IYATI' 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 The 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

Date posted: March 21, 2019 at 5:50 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.: 0073-19

SPONSOR: Honorable Elmer Begay

TITLE: 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 the 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

Posted: March 21, 2019 at 5:50pm

5 DAY Comment Period Ended: March 26, 2019

Digital Comments received:

Comments Supporting	*1) Elsa Johnson, 0073-19 Resolution to rescind CO-50-13* *2) Percy Deal, Strongly supports Legislation 0073-19* *3) Nicole Horseherder*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Secretary
Office of Legislative Services

3/27/19 8:30am
Date/Time

0073-19 Resolution to rescind CO-50-13

Elsa Johnson <asdza.ej@gmail.com>

Mon 3/25/2019 10:31 PM

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

Dear Speaker of Navajo Council:

Please rescind Energy Policy of 2013 and move our Nation toward renewable energy production. We need to take advantage of the abundant sunshine plus Dine' bikeyah is located in the high plateau both make for great clean energy. Navajo Nation should've been the Solar Capital of the U.S. by now. We've lost eough time on fossil fuels. Let's set a precedence for the rest of Native America and go Solar!

Thank you.

Elsa Johnson
Phoenix, AZ
Forest Lake Chapter

Legislation # 0073 - 19

Percy Deal <deal.percy@gmail.com>

Tue 3/26/2019 11:36 AM

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

The Honorable Members of the Navajo Nation Council:
Please accept my comment on Legislation 0073-19. However, first I want to thank the members of Council for their decision on Legislation 0044-19, I must say your decision is commendable and sets the course toward a new direction. A direction of sustainable reality which would lead to a healthier Nation. Having said that, Legislation 0073 - 19 by the Honorable Elmer Begay is only the first step toward that end. All the states in the southwest US are leading in that direction with renewable energy. We must join in. I strongly believe the Nation has all the assets, tools and resources to begin as negotiated in 2017 Extension Agreement. To go down the road we must first readdress the Nation Energy Policy to conform with the surrounding states. Legislation 0073 - 19 will certainly provide the necessary vehicle. I'm asking for your support to approve the proposed measure.

I also wish to offer some recommendations to the legislation as follows:

- I like to recommend the Transition Taskforce involve the Executive Director of Navajo Government Development, the legislation will definitely cause some change to the way the Nation is currently set up.
- Second, I like to recommend the Transition Taskforce also involve NTUA. NTUA and SRP are already a good partners in the Navajo solar project in Kayenta.
- The Taskforce should also have a member of a Navajo Medicine Person, Legislation 0073 is based on the Natural Law as outlined in Title 1 of the Navajo Nation Code. It would be appropriate to have a Navajo Medicine Person to help guild the new policy.
- The Taskforce should have the authority to call upon the federal and state governments to provide technical assistances as necessary to ensure conformity.
- The Taskforce should have authority to call upon Dine'/Native American Solar Company to offer help and recommendations.
- The Taskforce should be required to hold public hearings to insure public input.

Once again I strongly support the Legislation 0073 - 19 and encourage the Council to give it their full support for passage. I thank you in advance.

Re: My Comments on Legislation 0073-19

Nicole Horseherder <nhorseherder@gmail.com>

Tue 3/26/2019 6:14 PM

To: Ed Becenti <rezztone@yahoo.com>;

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

Yes this is good

On Tue, Mar 26, 2019, 5:34 PM Ed Becenti <rezztone@yahoo.com> wrote:

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

Greetings,

Legislation 0073-19 An Action Relating To Resources And Development Committee, NAABIK'IYATI' 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 The Declaration;

Establishing The Navajo Generating Station-Kayenta Mine Transition Taskforce (including two grassroots members from the Black Mesa, AZ community area);

Directing Division Directors including the new Navajo Department of Energy To Report Regarding Adherence To The Change In The Nation's Energy Policy

The Navajo Nation Energy Policy 0f 2019 needs to end fossil fuel extraction(s) and create a 100% renewable energy goal for 2022 and beyond. Clean energy being wind, solar and hydro only.

Ed Becenti
P.O. Box 121
St. Michaels, AZ 86511
48-313-8070

RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL

FIRST YEAR 2019

COMMITTEE REPORT

Mr. Speaker,

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

> **Legislation # 0073-19**: An Action Relating to Resources and Development and Naabik'Iyati Committees; 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 2018 in Conformity with the 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. *Sponsor: Honorable Elmer P. Begay*

Has had it under consideration and reports the Committee deleted the matter off the agenda with a directive to the Sponsor Elmer Begay to schedule a work session for the 24th Navajo Nation Council.

And thereafter the matter was deleted off the agenda.

Respectfully submitted,

Rickie Nez, Presiding Chairperson
Resource and Development Committee of
the 24th Navajo Nation Council

Date: April 10, 2019 - Regular Meeting
Meeting Location: NDOT Administrative Complex, Tse Bonito, NM

NO MAIN MOTION ESTABLISHED BECAUSE THERE WAS
MOTION TO DELETE OFF THE AGENDA WITH DIRECTIVE:
M: Herman M. Daniels S: Thomas Walker, Jr. Vote: 3-1-1
Yeas: Herman M. Daniels, Wilson Stewart, Jr., and Thomas Walker, Jr.
Nays: Mark Freeland
Excused: Kee Allen Begay, Jr.

RESOURCES AND DEVELOPMENT COMIMTTEE
24th Navajo Nation Council
Regular Meeting

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0073-19: An Action Relating to Resources and Development and Naabik'Iyati Committees; 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 2018 in Conformity with the 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. *Sponsor: Honorable Elmer P. Begay*

Date: April 10, 2019
Meeting Location: NDOT Administrative Complex, Tse Bonito, NM

NO MAIN MOTION ESTABLISHED BECAUSE THERE WAS MOTION TO DELETE OFF THE AGENDA WITH DIRECTIVE:
M: Herman M. Daniels S: Thomas Walker, Jr. Vote: 3-1-1
Yeas: Herman M. Daniels, Wilson Stewart, Jr., and Thomas Walker, Jr.
Nays: Mark Freeland
Excused: Kee Allen Begay, Jr.

Honorable Rickie Nez, Presiding Chairman
Resources and Development Committee

Shammie Begay, Legislative Advisor
Office of Legislative Services

24th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
First Year 2019

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #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

Sponsored by: Honorable Elmer P. Begay

Has had it under consideration and reports the same that the legislation **WAS REFERRED TO A NAABIK'ÍYÁTI' COMMITTEE WORK SESSION**.

Respectfully Submitted,

Honorable Daniel Tso, Chairman Pro Tem
NAABIK'ÍYÁTI' COMMITTEE

11 APRIL 2019

REFERRAL MOTION
Motion to refer legislation 0073-19 for a Naabik'íyáti' Committee work session, for all 24 Council Delegates, within 90 days.
Motioned by: Honorable Herman M. Daniels
Seconded by: Honorable Wilson C. Stewart, Jr.
Vote: 13 in Favor, 01 Opposed (Chairman Pro Tem D. Tso Not Voting)

MAIN MOTION
Motioned by: Honorable Pernell Halona
Seconded by: Honorable Jimmy Yellowhair
Vote: VOTE PENDING

NAVAJO NATION

138

4/11/2019

Naa'bik'iyati Committee

04:08:35 PM

Amd# to Amd#	Motion to Refer Legislation	PASSED
MOT Daniels	0073-19 to Naabikiyati Committee	
SEC Stewart, W	for Work Session for all 24	
	Council Delegates within 90 days	

Yea : 13 **Nay : 1** **Excused : 0** **Not Voting : 9**

Yea : 13

Begay, P	Daniels	James, V	Tso, E
BeGaye, N	Freeland, M	Nez, R	Wauneka, E
Brown	Halona, P	Stewart, W	Yellowhair
Crotty			

Nay : 1

Begay, E

Excused : 0

Not Voting : 9

Begay, K	Henio, J	Tso, C	Walker, T
Charles-Newton	Smith	Tso, O	Yazzie
Damon			

Presiding Chair: Tso, D