

LEGISLATIVE SUMMARY SHEET

Tracking No. 0196-19

DATE: June 28, 2019

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL, APPROVING AMENDMENTS TO 21 N.N.C. §7 (b) (12) INCREASING THE NAVAJO TRIBAL UTILITY AUTHORITY'S DEBT LIMIT

PURPOSE: The purpose of this proposed resolution is to make amendments to 21 N.N.C. §7 (b) (12), regarding the Navajo Tribal Utility Authority's total outstanding long-term debt from two hundred million dollars (\$200,000,000) to one billion five hundred million dollars (\$1,500,000,000).

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: 2888
Website Posting Time/Date: _____
Posting End Date: 7/16/19
Eligible for Action: 7/17/19

Law & Order Committee
Thence
Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

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

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0196-19

AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT,
BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE
NAVAJO NATION COUNCIL, APPROVING AMENDMENTS TO
21 N.N.C. § 7 (b) (12) INCREASING THE NAVAJO TRIBAL UTILITY
AUTHORITY'S DEBT LIMIT

BE IT ENACTED:

Section One. Authority

- A. The Law and Order Committee empowered to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. § 601 (B)(14).
- B. The Resources and Development Committee has oversight authority over public utilities. 2 N.N.C. § 500.
- C. The Budget and Finance Committee has oversight authority over finance matters of the Nation. 2 N.N.C. § 300.
- D. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. § 700 (A).

1 E. The Navajo Nation Council must review and approve enactments or
2 amendments of positive law. 2 N.N.C. § 164 (A).

3
4 **Section Two. Findings**

5 A. The Navajo Tribal Utility Authority plans to make significant investments
6 intended to improve and expand NTUA's utility facilities as well as acquire new
7 facilities to serve customers within the Navajo Nation.

8 B. The Navajo Tribal Utility Authority's current Ten Year Plan exceeds the current
9 debt limit of \$500 million.

10 C. The Navajo Tribal Utility Authority requests to increase its borrowing capacity
11 to \$1.5 billion.

12
13 **Section Three. Amendments to 21 N.N.C. § 7 (b) (12)**

14
15 The Navajo Nation hereby amends Title 21, Navajo Nation Code as follows:

16
17 _____
18 NAVAJO NATION CODE ANNOTATED
19 TITLE 21. PUBLIC UTILITIES AND COMMUNICATIONS
20 CHAPTER 1. NAVAJO TRIBAL UTILITY AUTHORITY
21 SUBCHAPTER 1. GENERALLY

22 § 7. Management Board; purpose; duties and powers

23
24 * * * * *

25
26 B. Enumerated powers. Subject to Navajo Nation Council approval where required,
27 and applicable Navajo Nation and federal laws and regulations, and solely in
28 furtherance of the limited purposes set forth in 21 N.N.C. § 5, the management board
29 shall have the following powers:
30

1 * * * * *

2
3 12. To borrow funds. To borrow money, make and issue notes, obligations and
4 bonds of the authority for any of its purposes and to secure payment thereof by pledge
5 of, or lien on, all or any of its fixtures, personality, revenues, income or contracts. The
6 total outstanding long-term debt of the authority at any one time shall not exceed ~~two~~
7 ~~hundred million dollars (\$200,000,000)~~ one billion five hundred million dollars
8 (\$1,500,000,000).

9
10 * * * * *

11
12 **Section Four. Effective Date**

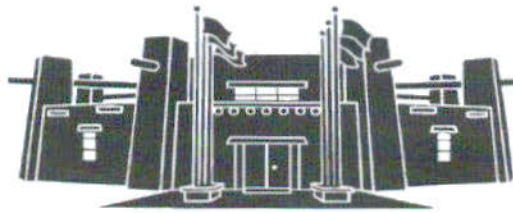
13 The Act enacted herein shall be effective upon its approval pursuant to 2 N.N.C.
14 §221.

15
16 **Section Five. Codification**

17 The provisions of this ordinance which amend or adopt new sections of the
18 Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office
19 of Legislative Counsel shall incorporate such amended provisions in the next
20 codification of the Navajo Nation Code.

21
22 **Section Six. Saving Clause**

23 Should any provisions of this ordinance be determined invalid by the Navajo
24 Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to
25 the Navajo Nation Supreme Court, those portions of this ordinance which are not
26 determined invalid shall remain the law of the Navajo Nation.



MEMORANDUM

TO: Honorable Nathaniel Brown
Chilchinbeto, Dennehotso, Kayenta Chapters

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: June 28, 2019

SUBJECT: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT
RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT,
BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE
NAVAJO NATION COUNCIL, APPROVING AMENDMENTS TO 21 N.N.C.
§7 (b) (12) INCREASING THE NAVAJO TRIBAL UTILITY AUTHORITY'S
DEBT LIMIT

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).

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.