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: 23:58
Website Posting Time/Date: 11:42pm 7/11/19
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'íyáti' 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'íyáti' 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'íyáti' Committee. 2 N.N.C. § 700 (A).

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

Section Two. Findings

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

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

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

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

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

NAVAJO NATION CODE ANNOTATED

TITLE 21. PUBLIC UTILITIES AND COMMUNICATIONS

CHAPTER 1. NAVAJO TRIBAL UTILITY AUTHORITY

SUBCHAPTER 1. GENERALLY

§ 7. Management Board; purpose; duties and powers

* * * * * **

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

* * * * * *

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

* * * * * *

Section Four. Effective Date

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

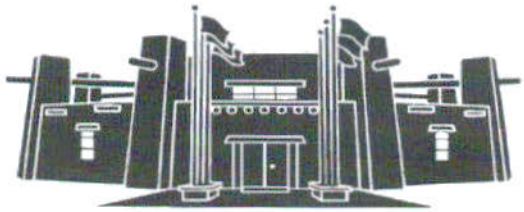
Section Five. Codification

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

Section Six. Saving Clause

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

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



Honorable Seth Damon
Speaker
24th Navajo Nation Council

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.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0196-19 SPONSOR: Nathaniel Brown

TITLE: An Action Relating To Law And Order, And Resources And Development, Budget And Finance, And NAABIK'IYATI Committee And The Navajo Nation Council, Approving Amendments To 21 N.N.C. §7 (b) (12) Increasing The Navajo Tribal Utility Authority's Debt Limit

Date posted: July 11, 2019 at 11:42 AM

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.: 0196-19

SPONSOR: Honorable Nathaniel Brown

TITLE: 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

Posted: July 11, 2019 at 11:42 AM

5 DAY Comment Period Ended: July 16, 2019

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Tracking Secretary
Office of Legislative Services

7/17/19 8:23 am
Date/Time

LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL

FIRST YEAR 2019

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0196-19: An Act Relating to Law and Order, Resources and Development, Budget and Finance; and Naabik'iyati' 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 – *Sponsor: Honorable Nathaniel Brown*

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendment

And thereafter referred to Resources and Development Committee

Respectfully submitted,

Eugenia Charles-Newton, Chairwoman
Law and Order Committee
24th Navajo Nation Council

Date: August 12, 2019

Main Motion: Honorable Vince James
Second : Honorable Otto Tso
Vote : 2-0-1 (Chairwoman not voting)

LAW AND ORDER COMMITTEE
Regular Meeting
August 12, 2019

VOTE TALLY SHEET:

Legislation No. 0196-19: An Act Relating to Law and Order, Resources and Development, Budget and Finance; and Naabik'iyati' 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 – *Sponsor: Honorable Nathaniel Brown*

Main Motion: Vince James **Second:** Otto Tso **Vote:** 2-0-1

VOTE TALLY:
Yea: VJames/OTso
Nay:
Excused: ETso
Not Voting: ECNewton
Absent: EYazzie

Eugenia Charles Newton, Chairwoman

Laureen Spencer, Legislative Advisor
Law and Order Committee