

**RESOLUTION OF THE
NAVAJO NATION COUNCIL**

22nd NAVAJO NATION COUNCIL - Third Year, 2013

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI'; AMENDING TITLES 2 AND 21 TO AUTHORIZE THE NAVAJO NATION TELECOMMUNICATIONS REGULATORY COMMISSION TO IMPLEMENT AND MANAGE A 911 EMERGENCY RESPONSE SYSTEM WITHIN THE NAVAJO NATION

BE IT ENACTED:

Section 1. Findings and Purposes

A. The Navajo Nation Telecommunications Regulatory Commission was established for the purpose of acting upon and regulating *"any and all matters of the telecommunications industry on the Navajo Nation, including but not limited to computer, video, television, telegraph, radio, cable television, satellite dishes, two-way radio, and other related telecommunication services transmitted by electricity, wire land lines, wireless technology, cable, fiber optics, microwave, satellite or radiowave, to provide for the orderly growth and development of the telecommunications industry, and the operations thereby."* 2 N.N.C. §3452.

B. The purposes of the Navajo Nation Telecommunications Regulatory Act include making *"available within the Navajo Nation efficient, reasonably priced and rapid communications, to promote and expand communications within the Navajo Nation, and ensure that communication activity within the Navajo Nation is consistent with the traditions, customs and desires of the Navajo People."* 21 N.N.C. §502(A).

C. The Navajo Nation lacks a basic 911 emergency response system. Currently, emergency calls are received on administrative telephone lines. This makes crucial and immediate information unavailable, such as the identity of callers and their addresses. There is a critical

need for 911 services to meet the basic health and safety needs of the Navajo People. The lack of 911 services hinders, and at times prevents, first responders, such as police, fire and ambulance to quickly locate where calls for emergencies are coming from. With a 911 system, dispatches would be able to more effectively relay necessary emergency information to first responders.

Section 2. Amending Title 2

The Navajo Nation hereby approves Title 2 of the Navajo Nation Code as follows:

Title 2. Navajo Nation Government
Chapter 5. Executive Branch
Subchapter 43. Navajo Telecommunications Regulatory Commission

§3452. Purpose

The purpose of the Commission shall be to act upon and regulate any and all matters of the telecommunications industry on the Navajo Nation, including but not limited to computer, video, television, telegraph, radio, cable television, satellite dishes, two-way radio, and other related telecommunication services transmitted by electricity, wire land lines, wireless technology, cable, fiber optics, microwave, satellite or radiowave, to provide for the orderly growth and development of the telecommunications industry, and the operations thereby. A further purpose of the Commission shall be the implementation of a 911 emergency response system within the Navajo Nation.

§ 3453. Powers, Authorities and Duties

A. The Commission shall have all the powers necessary and appropriate as delegated through legislative enactments by the Government Services Committee of the Navajo Nation Council pursuant to the inherent power of a government to impose restrictions on private rights to protect public welfare, order and security, to carry out the purpose and goals set forth in § 3452. This delegation of authority shall be inclusive of the entire regulatory scheme, but exclusive of any telecommunications services or development activity, except where telecommunications regulation may apply to such activities.

B. The enumerated powers of the Commission are:

1. To establish and adopt a regulatory policy subject to Navajo Nation Council enactment which will govern any and all Navajo Nation telecommunications activities, not inconsistent with federal Communications Commission regulation.

2. To establish, promulgate, and enforce rules, regulations, policies, and issue orders and resolutions, which are consistent with the Navajo regulatory code and this Plan of Operation, as necessary for the accomplishment of its purpose, authority, functions, and responsibilities.

3. To establish methods, procedures, schedules, and conditions of accessing permits, respective fees, and reasonable rates of compensation for particular telecommunication services on the Navajo Nation.

4. To approve and enter into such agreements, contracts, or written understanding as necessary or appropriate in accomplishing the duties and purpose of the Commission. All such contracts and agreements shall be in the name of the Navajo Nation and shall be subject to normal procedures established for contracts and agreements.

5. To establish procedures and requirements for hearings and investigations pertinent to the functions and powers of the Commission, consistent with normal due process; to hear complaints concerning noncompliance with regulations established as the conditions of engaging in any telecommunications activities on the Navajo Nation, or any valid complaint from any entity which is aggrieved by any action by the Commission or staff.

6. The Commission in furtherance of its powers shall have the authority to recommend and impose fines or other sanctions according to established schedules, on any entity for violation of all telecommunications laws, regulations, rules, orders and policies.

7. The Commission shall implement an effective 911 emergency response system within the Navajo Nation. In implementing such a system, the Commission shall seek the assistance of the federal and state governments and shall be authorized to develop Service Plans meeting the requirements of such jurisdictions if necessary. Cooperative intergovernmental agreements in

furtherance of implementing a 911 system shall be approved pursuant to Navajo Nation law, including 21 N.N.C. §508.

8. In executing the power of implementing and managing an effective 911 emergency response system, the Commission shall be authorized to adopt rules and regulations.

9. In managing a 911 emergency response system, the Commission shall be authorized to recommend to appropriate entities of the Navajo Nation the establishment of a fund management plan and/or revolving fund accounts (funded through sources such as surcharges established by the Commission on telephone bills). Consistent with Navajo Nation law, the Commission shall also be authorized to seek federal and state funding in managing the Navajo Nation's 911 emergency response system.

Section 3. Amending Title 21 of the Navajo Nation Code

The Navajo Nation hereby amends Title 21 of the Navajo Nation Code as follows:

**Title 21. Public Utilities and Communications
Chapter 5. Telecommunications
Subchapter 1. Navajo Telecommunications Regulatory Act**

§ 505. Powers and Duties

A. In accordance with the Commission's plan of operation, the Commission shall have the power to perform any and all acts necessary and convenient to supervise, monitor, and regulate telecommunication and those persons providing telecommunications service within the Navajo Nation as specifically designated in this Chapter or in any rule, regulation, decision, order or other official pronouncement adopted hereunder, in the exercise of such power and jurisdiction.

B. The Commission shall have the following specific powers:

1. To promulgate such rules and regulations as appropriate for the accomplishment of its purpose and authority, duties and responsibilities pursuant to this Act, and to enforce such rules and regulations;

2. To act upon and regulate any and all telecommunications activity within the Navajo Nation, including but not limited to telephone, television, telegraph, radio, cable television, satellite dishes, two-way radio, and other telecommunication services employing wire, radiowave, lightwave, electricity or any other electromagnetic system;

3. To establish methods, procedures, conditions and fees for obtaining permits and approved tariff schedules for telecommunications services within the Navajo Nation;

4. To establish procedures and requirements for hearings and investigations pertinent to the functions and powers of the Commission; to receive, consider and hear complaints concerning the noncompliance by any person, of any provision of this Act and/or the Commission's rules and regulations, decisions, orders or other official pronouncements, to issue and compel by power of subpoena the presence of any person or the production of any document or any type of evidence deemed relevant to a matter properly before the Commission; to issue decisions and orders, opinions or other official pronouncements, on any matter properly raised before the Commission, and as may be necessary in the enforcement and implementation of its functions;

5. To establish and impose fines and/or any other civil sanction(s) deemed appropriate by the Commission, for violations of any provision of this Act and/or its rules and regulations, decisions, orders or other official pronouncements; and

6. To establish and collect franchise, filing and other fees from persons at amounts which are appropriate for the matter for which such collections is being made.

7. Consistent with powers and authority granted herein and by 2 N.N.C. §3453, to establish, implement and manage an effective 911 emergency response system within the Navajo Nation.

Section 4. Effective Date

The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221.

Section 5. Codification

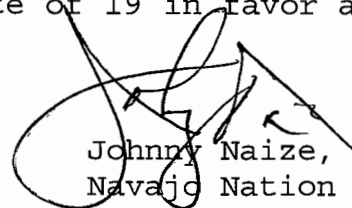
The provisions of these amendments of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amendments in the next codification of the Navajo Nation Code.

Section 6. Savings Clause

Should any provisions of these amendments 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 amendments that are not determined invalid shall remain the law of the Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 19 in favor and 0 opposed, this 22nd day of October 2013.


Johnny Naize, Speaker
Navajo Nation Council


11-01-13

Date

Motion: Honorable Jonathan L. Hale
Second: Honorable Dwight Witherspoon

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of NOV 06 2013 2013.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2013, for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation

Page 7 of 7