

RESOLUTION OF THE
NAVAJO NATION COUNCIL

21ST NAVAJO NATION COUNCIL - Fourth Year 2010

AN ACT

RELATING TO GOVERNMENT SERVICES AND RESOURCES; REPEALING THE
NAVAJO ENERGY DEVELOPMENT ADMINISTRATION ENABLING LEGISLATION,
18 N.N.C. §§ 301- 304

BE IT ENACTED:

Section One. Findings.

A. The Navajo Nation hereby finds that the provisions of 18 N.N.C. § 301 - 304, establishing the Navajo Energy Development Administration (NEDA) have never been fully implemented and that the continued existence of the NEDA within the Navajo Nation Code is no longer warranted.

B. The Navajo Nation further finds that the functions of NEDA have historically been undertaken by other entities, authorities, and enterprises of the Navajo Nation, and that the continued existence of NEDA within the laws of the Navajo Nation is not necessary.

C. The Navajo Nation determines that these amendments are in the best interests of the Navajo Nation and Navajo People.

Section Two. Amendment of Title 18 of the Navajo Nation Code

The Navajo Nation Council hereby repeals Title 18 of the Navajo Nation Code, 18 N.N.C. §§ 301-304, as follows:

~~NAVAJO NATION CODE ANNOTATED
TITLE 18. MINES AND MINERALS
CHAPTER 4. NAVAJO ENERGY DEVELOPMENT AUTHORITY~~

~~§ 301. Establishment~~

~~The Navajo Nation Council charters and establishes the Navajo Energy Development Authority (NEDA), for such purposes and with such powers as are set forth in § 303 of this Chapter or as may hereinafter be established for NEDA by the Navajo Nation Council.~~

~~§ 302. Purposes~~

~~— The purposes for which NEDA is established are as follows:~~

~~— A. To provide an organization owned by the Navajo Nation which can develop and manage energy resources and operate as a profit-making organization of the Navajo Nation pursuant to future agreements between NEDA and the Navajo Nation.~~

~~— B. To see to it that energy development within the Navajo Nation is consistent with existing and future Navajo Nation environmental, labor, and resources utilization policies.~~

~~— C. To optimize financial returns to the Navajo Nation from the development of depletable resources, so that the financial returns may be used by the Navajo Nation (through the Navajo Nation Council) for the development of Navajo renewable resources, productive enterprises, and other long-term needs and goals of the Navajo People and the Navajo Nation.~~

~~§ 303. Powers~~

~~— The general powers which NEDA shall have are:~~

~~— A. To enter into agreements with the Navajo Nation for the development of resources of the Navajo Nation.~~

~~— B. To borrow money and pledge or otherwise encumber its assets to secure the fulfillment of its obligations.~~

~~— C. To employ such staff as may be necessary to carry out its operations.~~

~~— D. To enter into contracts and agreements.~~

~~— E. To make application to federal, state and local governments for participation in such government programs as may benefit implementation of NEDA activities.~~

~~— F. To establish offices for the transaction of business.~~

~~— G. To sue and be sued in the Courts of the Navajo Nation in the name of the Authority.~~

~~H. To be governed by a Board of Directors.~~

~~I. To have such powers as may be necessary and proper to further the purposes for which NEDA is established, as such purposes may be modified from time to time by the Resources Committee of the Navajo Nation Council.~~

~~§ 304. Exemption of assets and property of Navajo Nation; sovereign immunity~~

~~Notwithstanding other provisions of this chapter, NEDA shall have no authority to encumber trust or fee land owned or held by the Navajo Nation to satisfy its liabilities out of the assets or property of the Navajo Nation, nor to waive the sovereign immunity of the Navajo Nation.~~

Section Three. Effective Date

The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).

Section Four. Codification

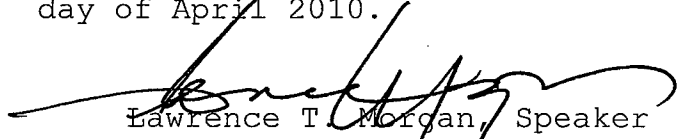
The provisions of this Act which amend sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel.

Section Five. Savings Clause

Should any provisions of this Act 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, or any other court of competent jurisdiction, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

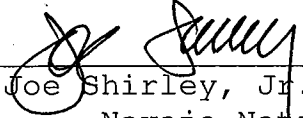
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 58 in favor and 2 opposed, this 21ST day of April 2010.


Lawrence T. Morgan, Speaker
Navajo Nation Council
04/21/10
Date

Motion: Katherine Benally
Second: Amos Johnson

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 MAY 14 2010 2010.



Dr. Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2010 for the reason(s) expressed in the attached letter to the Speaker.

Dr. Joe Shirley, Jr., President
Navajo Nation

**GOVERNMENT SERVICE COMMITTEE
21ST NAVAJO NATION COUNCIL**

FOURTH YEAR 2010

COMMITTEE REPORT

Mr. Speaker,

The **GOVERNMENT SERVICES COMMITTEE** to whom has been assigned:

LEGISLATION NO. 0133-10

AN ACTION RELATING TO GOVERNMENT SERVICES AND RESOURCES;
Repealing the Navajo Energy Development Administration Enabling Legislation, 18
N.N.C. §§ 301-304. (Sponsor: Orlanda Smith-Hodge)

Has had it under consideration and reports the same with a **DO PASS** with no
amendments.

and therefore referred to **RESOURCES COMMITTEE** .

Respectfully submitted,



Ervin M. Keeswood, Sr.
Presiding Chairperson

Date: March 23rd, 2010

The vote was 7 in favor and 0 opposed

MOTION: Danny Simpson

SECOND: Roy Laughter

RESOURCES COMMITTEE REPORT
21ST NAVAJO NATION COUNCIL --- Fourth Year, 2010

Mr. Speaker:

The Resources Committee, to whom has been referred;

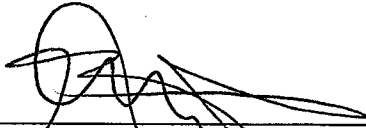
LEGISLATION NO. 0133-10
Introduced by Hon. Norman John, II
An Act Relating to Government Services and Resources; Repealing the Navajo Energy Development
Administration Enabling Legislation, 18 N.N.C. §§ 301-304

has had it under consideration and reports the same with a **DO PASS** recommendation with no amendments.

And thence referred to the **ETHICS AND RULES COMMITTEE.**

CERTIFICATION

I, hereby, certify that the foregoing legislation was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 6 in favor, 0 opposed, and 0 abstained on the 25th Day of March 2010.



George Arthur, Chairperson

Motion: Harry Williams, Sr.
Second: Cecil F. Eriacho

21st Navajo Nation Council

Fourth Year 2010

The vote:
Excused:
Mr. Speaker,
Absent:

The **ETHIC AND RULES COMMITTEE**, to whom has been assigned

NAVAJO LEGISLATIVE BILL 0133-10

Has had it under consideration and reports the same with a **DO PASS** with **NO AMENDMENTS**.

And therefore referred to the **21ST NAVAJO NATION COUNCIL**.

Respectfully submitted,



Francis Redhouse, Chairperson

Adopted: 

Advisor

Not Adopted: _____
Advisor

Date: **April 02, 2010**

The vote was 5 in favor and 0 opposed
Excused: Harry J. Willetto
Absent: Preston McCabe

The vote:

The vote: