

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0258-19

SPONSOR: Rickie Nez

**TITLE: An Action Relating To Resources And Development Committee And The NAABIK'IYATI' Committee; Requesting The New Mexico Public Regulation Commission To Reconsider And Confirm That Senate Bill 489, The Energy Transition Act, Applies To All Aspects Of The San Juan Generating Station Abandonment, Financing And Replacement Filings And That Navajo Workers Are Provided All The Financial And Educational Help Afforded To Them By The Energy Transition Act**

***Date posted:*** August 27, 2019 at 4:52 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.*

**LEGISLATIVE SUMMARY SHEET**  
**Tracking No. 0258-19**

**DATE:** August 26, 2019

AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTI' COMMITTEE; REQUESTING THE NEW MEXICO PUBLIC REGULATION COMMISSION TO RECONSIDER AND CONFIRM THAT SENATE BILL 489, THE ENERGY TRANSITION ACT, APPLIES TO ALL ASPECTS OF THE SAN JUAN GENERATING STATION ABANDONMENT, FINANCING AND REPLACEMENT FILINGS AND THAT NAVAJO WORKERS ARE PROVIDED ALL THE FINANCIAL AND EDUCATIONAL HELP AFFORDED TO THEM BY THE ENERGY TRANSITION ACT.

**PURPOSE:** Requesting on behalf of Navajo Nation that the New Mexico Public Regulation Commission reconsider and confirm that SB 489 Energy Transition Act applies to all aspects of the San Juan Generating Station abandonment, financing and replacement filings and Navajo workers.

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2800  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 9/11/19  
Eligible for Action: 9/2/19

Resources & Development Committee  
Thence  
Naabik'iyáti' Committee

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL—FIRST YEAR, 2019

3 INTRODUCED BY

4   
5 \_\_\_\_\_

6 Primary Sponsor

7 TRACKING NO. 0258-19

8  
9 AN ACTION

10 RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE  
11 NAABIK'ÍYÁTI' COMMITTEE; REQUESTING THE NEW MEXICO PUBLIC  
12 REGULATION COMMISSION TO RECONSIDER AND CONFIRM THAT SENATE  
13 BILL 489, THE ENERGY TRANSITION ACT, APPLIES TO ALL ASPECTS OF THE  
14 SAN JUAN GENERATING STATION ABANDONMENT, FINANCING AND  
15 REPLACEMENT FILINGS AND THAT NAVAJO WORKERS ARE PROVIDED ALL  
16 THE FINANCIAL AND EDUCATIONAL HELP AFFORDED TO THEM BY THE  
17 ENERGY TRANSITION ACT.

18  
19 WHEREAS:

20 **Section One. Authority**

- 21 A. The Navajo Nation established the Resources and Development Committee to  
22 oversee the regulation of activities on Navajo Nation lands for disposition or  
23 acquisition of resources. 2 N.N.C. § 500(C)(2).
- 24 B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation  
25 Council standing committee. 2 N.N.C. § 700(A).
- 26 C. The Naabik'iyáti' Committee has the power to coordinate all federal, county and state  
27 programs with other standing committees and branches of the Navajo Nation  
28 government to provide the most efficient delivery of services to Navajo Nation. 2  
29 N.N.C. § 701(A)(4).
- 30

- 1 D. The Naabik'iyáti Committee further has the power to review and continually monitor  
2 the programs and activities of federal and state departments and to assist development  
3 of such programs designed to serve the Navajo People and the Navajo Nation through  
4 intergovernmental relationships between the Navajo Nation and such departments. 2  
5 N.N.C. § 701(A)(7).
- 6 E. The Navajo Nation has a government-to-government relationship with the United  
7 States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- 8

9 **Section Two. Findings**

- 10 A. In March 2019, the New Mexico State Senate passed Senate Bill 489, the Energy  
11 Transition Act (“ETA”). *See* attached as **Exhibit A**.
- 12 B. The ETA is a transformative energy policy legislation which provides a responsible  
13 and just transition out of coal mining, while also providing financial, educational, and  
14 economic development funds to the workers and region affected by the proposed San  
15 Juan Generating Station (“SJGS”) coal plant shutdown.
- 16 C. Navajo workers, including plant workers, mine workers, suppliers, contractors, and  
17 outage maintenance workers, make up sixty percent (60%) or the total workforce  
18 affected by the SJGS shutdown, providing much of New Mexico with affordable,  
19 reliable energy for decades.
- 20 D. The shutdown of SJGS affects fifty-six (56) Navajo power plant workers as well as  
21 one hundred and ten (110) Navajo contractors and suppliers, one hundred thirteen  
22 (113) coal mine workers, and ten (10) Navajo contractors or suppliers. These Navajo  
23 workers, contractors and suppliers would be irreparably harmed if the ETA did not  
24 apply to the SJGS filings or if litigation dragged on in the courts.
- 25 E. The New Mexico Public Regulation Commission (NMPRC) has created confusion  
26 and potential jeopardy to the \$40 million funds. The NMPRC’s actions regarding the  
27 SJGS abandonment could directly affect Navajo workers, contractors, and suppliers.
- 28 F. The breakdown of the \$40 million in funds that are in jeopardy is as follows:

- a. \$12 million for a displaced workers un which would help plant and mine workers as well as contractors, suppliers, and vendors affected by the SJGS shutdown;
- b. \$10.4 million for severance for Public Service Company of New Mexico (PNM) plant workers;
- c. \$7.4 million in additional severance funds to equalize severance packages for affected coal miners;
- d. \$6 million in economic development;
- e. \$1.8 million for Indian affairs and;
- f. \$8,000 per year for three (3) years for professional training of both plant and coal mine workers;

G. The NMPRC has the authority to end confusion surround the ETA's effect on the SJGS shutdown, and provide clarity to Navajo workers as they navigate their futures. It is irresponsible of NMPRC to leave our Navajo workers in an uncertain position when Senate Bill 489, the Energy Transition Act provides the means to give monetary compensation and training to aid these workers in this time.

H. The Navajo Nation has a vested interest in seeing that Navajo workers are treated fairly and provided all the financial and educational help afforded to them by the ETA, and it is in Navajo Nation's best interest to encourage the MNPRC to confirm that the ETA applies to all aspects of the SJGS shutdown.

NOW THEREFORE, BE IT RESOLVED:

A. The Navajo Nation hereby requests the New Mexico Public Regulation Commission to reconsider and confirm that Senate Bill 489, the Energy Transition Act applies to all aspects of the San Juan Generating Station abandonment, financing, and replacement filings and that the New Mexico Public Regulation Commission, while balancing the Public Service Company of New Mexico's customer costs, will not neglect their duties to the numerous Navajo workers, contractors and suppliers who are negatively impacted by the San Juan Generating Station shutdown.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council, President of the Navajo Nation, and their respective designees, to advocate on the behalf of the Navajo Nation to ensure Navajo workers impacted by the San Juan Generating Station are provided for under Senate Bill 489, the Energy Transition Act.