TITLE: An Action Relating To Resources And Development Committee And The NAABIK'ÍYATI' 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

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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.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

[Signature]

Primary Sponsor

TRACKING NO. 025819

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.

WHEREAS:

Section One. Authority

A. The Navajo Nation established the Resources and Development Committee to oversee the regulation of activities on Navajo Nation lands for disposition or acquisition of resources. 2 N.N.C. § 500(C)(2).

B. The Navajo Nation established the Naabik’íyáti’ Committee as a Navajo Nation Council standing committee. 2 N.N.C. § 700(A).

C. The Naabik’íyáti’ Committee has the power to coordinate all federal, county and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to Navajo Nation. 2 N.N.C. § 701(A)(4).
D. The Naabik’iiyáti Committee further has the power to review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments. 2 N.N.C. § 701(A)(7).


Section Two. Findings

A. In March 2019, the New Mexico State Senate passed Senate Bill 489, the Energy Transition Act (“ETA”). See attached as Exhibit A.

B. The ETA is a transformative energy policy legislation which provides a responsible and just transition out of coal mining, while also providing financial, educational, and economic development funds to the workers and region affected by the proposed San Juan Generating Station (“SJGS”) coal plant shutdown.

C. Navajo workers, including plant workers, mine workers, suppliers, contractors, and outage maintenance workers, make up sixty percent (60%) or the total workforce affected by the SJGS shutdown, providing much of New Mexico with affordable, reliable energy for decades.

D. The shutdown of SJGS affects fifty-six (56) Navajo power plant workers as well as one hundred and ten (110) Navajo contractors and suppliers, one hundred thirteen (113) coal mine workers, and ten (10) Navajo contractors or suppliers. These Navajo workers, contractors and suppliers would be irreparably harmed if the ETA did not apply to the SJGS filings or if litigation dragged on in the courts.

E. The New Mexico Public Regulation Commission (NMPRC) has created confusion and potential jeopard to the $40 million funds. The NMPRC’s actions regarding the SJGS abandonment could directly affect Navajo workers, contractors, and suppliers.

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 NMPC 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 NMPC 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.
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.