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- Terms and conditions regarding consideration of right of way grant.
- The method of dispute resolution to be used between the state and Navajo Nation.
- The areas of shared jurisdiction.
- Any other rights or responsibilities the state or Navajo Nation believe should be appurtenant to a grant of right of way by the Navajo Nation to the state.
- Nothing in the right of way agreement would serve to diminish the jurisdiction of the Navajo Nation over the right of way except what is expressly granted to SHTD in the agreement.

The bill also requires SHTD to negotiate right of way agreements with the Navajo Nation in good faith and in a timely manner. If the agreement cannot be completed within one year, the parties shall engage the services of mediators to help facilitate the process of reconciling issues in the dispute, at shared expense between the parties, unless the parties agree otherwise.

The bill contains an emergency clause.

Significant Issues

The House Taxation and Revenue Committee substitute was drafted to address State Highway and Transportation Department concerns with the original version of House Bill 217. The provision in the original bill to require the department to renegotiate all existing right of way agreements was deleted. The length of the agreement can be for the life of the road. The committee substitute is now acceptable to both SHTD and Navajo Nation administrators.

FISCAL IMPLICATIONS

No impact.

ADMINISTRATIVE IMPLICATIONS

The committee substitute would require SHTD to negotiate in good faith with the Navajo Nation for right of way agreements within a twelve month period. If agreement is not reached within that period the parties are required to engage a mediator to help facilitate resolution of the dispute.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

House Taxation and Revenue Committee Substitute for House Bill 217 is identical to Senate Bill 709/SJCS/aSF1 #1.

MV/ar