

1. Page 1, lines 15-17, amend as follows:

PAINTED DESERT POWER SOLAR PROJECT AND WAIVING THE SALES TAX (24 N.N.C. §§ 601 ET SEQ.), BUSINESS ACTIVITY TAX (24 N.N.C. §§ 401 ET SEQ.) AND POSSESSORY INTEREST TAX (24 N.N.C. §§ 201 ET SEQ.) FOR THE PROJECT; ASSESSING THE SALES TAX FOR THE CONSTRUCTION ACTIVITY; ASSESSING THE BUSINESS ACTIVITY TAX (24 N.N.C. §§ 401 ET SEQ.) AND POSSESSORY INTEREST TAX (24 N.N.C. §§ 201 ET SEQ.) WHEN THE SOLAR TAX IS ENACTED BY THE NAVAJO NATION COUNCIL; AND ASSESSING THE SOLAR TAX WHEN THE SOLAR TAX IS ENACTED BY THE NAVAJO NATION COUNCIL

2. Strike all language on Page 2, lines 16 through 25 paragraphs C, D and E of the SECTION TWO. FINDINGS.

3. Page 2, lines 26 through 30 and Page 3, lines 1 through 3 amend as follows:

SECTION THREE. PAYMENT IN LIEU OF TAXES

~~A. The Navajo Nation Council hereby approves the PILOT Agreement between the Navajo Nation and PDP for the Project, attached as Exhibit A, as negotiated and recommended by the Office of the Navajo Tax Commission and the Navajo Nation Minerals Department.~~

A. The Navajo Nation Council hereby directs the Navajo Nation Minerals Department to draft an Agreement which will provide for payment to the Navajo Nation Sales Tax, Business Activity Tax Possessory Interest Tax and Solar Tax as stated in SECTION FOUR and SECTION FIVE.

~~B. The Navajo Nation hereby authorizes the President of the Navajo Nation to execute the PILOT Agreement and all documents necessary for the implementation of this resolution.~~

4. Page 3, strike all of SECTION FOUR. WAIVER, lines 5 through line 9.

5. Page 3, line 10, add a new SECTION FOUR as follows:

SECTION FOUR.SALES TAX FOR CONSTUCTION ACTIVITY

The Painted Desert Power, LLC, is hereby required to pay the Navajo Nation Sales Tax with regard to the Construction Activity for the construction of the Painted Desert Power Project.

6. Page 3, a new SECTION FIVE as follows:

SECTION FIVE. SOLAR TAX, BUSINESS ACTIVITY TAX AND POSSESSORY INTEREST TAX PAYMENTS

The Painted Desert Power, LLC, is hereby required to pay the Business Activity Tax (24 N.N.C. §§ 401 *et seq.*), and the Possessory Interest Tax (24 N.N.C. §§ 201 *et seq.*) when the Navajo Nation Council enacts the Solar Tax. When the Solar Tax is enacted, Painted Desert Power, LLC, will be assessed the Solar Tax.

7. Renumber or re-letter succeeding paragraphs, sections, and exhibits, as necessary and appropriate. The Office of Legislative Services and the Office of Legislative Counsel are authorized to make technical edits to this legislation and its exhibits to implement the Committee's intent. This Amendment supersedes inconsistent language and figures in any other amendment(s), which shall be conformed to this Amendment.