

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0174-19

**DATE:** June 28, 2019

**TITLE OF RESOLUTION:** AN ACT RELATING TO THE LAW AND ORDER COMMITTEE, HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; ADOPTING THE "ACCESIBLE PUBLIC RESTROOMS ACT"; ESTABLISHING THE REQUIREMENT FOR ALL NAVAJO NATION GOVERNMENT AND PUBLIC SERVICE PROVIDERS TO PROVIDE CLEARLY INDICATED ACCESSIBLE PUBLIC RESTROOMS; AMENDING THE NAVAJO NATION CODE, TITLE 13, CHAPTER 53; ADDING NEW SECTIONS 4501, 4502, 4503, and 4504

**PURPOSE:** If approved, this resolution will establish the requirement for all Navajo Nation Government and public service provider buildings to provide clearly indicated accessible public restrooms to the general public. This resolution will further amend the Navajo Nation Code Title 13, Chapter 53, adding new sections 4501, 4502, 4503, and 4504

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 to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 28 days  
Website Posting Time/Date: 7-2-19 11:44AM  
Posting End Date: 7-7-19  
Eligible for Action: 7-8-19

Law & Order Committee  
Thence  
Health Education & Human Services Committee  
Thence  
Naa'bik'iyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL – First Year, 2019  
INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0174-19



AN ACT

RELATING TO THE LAW AND ORDER COMMITTEE, HEALTH,  
EDUCATION, AND HUMAN SERVICES COMMITTEE, NAABIK'ÍYÁTI'  
COMMITTEE AND THE NAVAJO NATION COUNCIL; ADOPTING THE  
“ACCESIBLE PUBLIC RESTROOMS ACT”; ESTABLISHING THE  
REQUIEMENT FOR ALL NAVAJO NATION GOVERNMENT AND PUBLIC  
SERVICE PROVIDERS TO PROVIDE CLEARLY INDICATED ACCESSIBLE  
PUBLIC RESTROOMS  
AMENDING THE NAVAJO NATION CODE, TITLE 13, CHAPTER 53; ADDING  
NEW SECTIONS 4501, 4502, 4503, and 4504

BE IT ENACTED:

**Section One. Authority**

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. § 601(B)(14).
- B. The Health, Education and Human Services Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 401(B)(6), has the power to provide legislative oversight on matters involving health, social service, education, general governmental services, and human services.

1 C. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2  
2 N.N.C. § 164 (A)(9), reviews proposed legislation which requires final action  
3 by the Navajo Nation Council.

4 D. The Navajo Nation Council must review and approve enactments or  
5 amendments of positive law. 2 N.N.C. § 164(A).  
6

## 7 **Section Two. Findings**

8 A. The Navajo Nation Government maintains offices throughout Navajo Nation  
9 providing services to community members.

10 B. Public Service Providers also maintain offices throughout Navajo Nation  
11 providing services to Navajo Nation community members.

12 C. A Public Service Provider is a non-governmental entity that delivers services  
13 essential to the public interest such as electricity, gas, or transportation.

14 D. The Navajo Nation community consists of many citizens who are disabled  
15 including elders, adults, young adults, and children.

16 E. Navajo Nation community members conduct their personal business and  
17 acquire necessary resources from the various governmental and public service  
18 provider offices from the Navajo Nation Departments, Programs, Offices, and  
19 other important entities.

20 F. Navajo Nation community members, including disabled elders, adults, young  
21 adults, and children, may need to use the restroom facilities while conducting  
22 personal business from Navajo Nation Government and public service  
23 provider buildings.

24 G. It is within the best interest of the Navajo Nation to adopt the "Accessible  
25 Public Restrooms Act" and amend Title 13, establishing Subchapter 53 and  
26 sections 4501, 4502, 4503, and 4504 of the Navajo Nation Code to require  
27 that all Navajo Nation Government and public service provider buildings that  
28 provide direct services to the Navajo Nation community provide clearly  
29 indicated accessible public restrooms for the general public.  
30



1  
2 **Section Three. Amendment to Title 13**

3 The Navajo Nation amends Title 13 as follows:

4  
5 **TITLE 13. HEALTH AND WELFARE**

6 **SUBCHAPTER 53. Accessible Public Restrooms**

7 \*\*\*\*

8 **§ 4501. Title**

9 A. This Act shall be known and cited as the “Accessible Public Restrooms Act”

10  
11 **§ 4502. Purpose**

12 The Navajo Nation declares that it is in the best interest of the Diné that the Navajo  
13 Nation shall provide clearly indicated accessible public restrooms in all governmental  
14 and public service provider buildings that provide direct services to the Navajo Nation  
15 community to serve the disabled elderly, adult, young adult, and children of the  
16 community.

17  
18 **§ 4503. Definitions**

19 Public Service Provider is a non-governmental entity that delivers services essential  
20 to the public interest such as electricity, gas, or transportation.

21  
22 **§ 4504. Accessible Public Bathroom**

23 A. The Navajo Nation shall provide accessible public restrooms in all governmental  
24 buildings that provide direct services to the Navajo Nation community.

25 B. The Navajo Nation, through its Department of Health, shall ensure that all  
26 governmental buildings and public service provider buildings that provide direct  
27 services to the Navajo Nation community provide accessible public restrooms and  
28 provide clear indication of the location of these public restrooms.

29  
30 **Section Four. Approval and Acceptance of Amendments to 13 N.N.C §§ 4501,**

1       **4502, 4503, and 4504**

2       The Navajo Nation hereby approves the Amendments to 13 N.N.C. §§ 4501, 4502,  
3       4503, and 4504.

4  
5       **Section Four. Directive**

6       Therefore Navajo Nation hereby directs all Navajo Nation Government offices and  
7       public service provider offices that provide direct services to the Navajo Nation  
8       community to provide clearly indicated accessible public restrooms no later than one  
9       year from the date this act is adopted and signed into law. All Navajo Nation  
10      Government offices and public service provider offices shall take the necessary steps  
11      to comply with this act and shall inform the Department of Health quarterly of their  
12      progress towards full compliance.

13  
14      **Section Five. Effective Date**

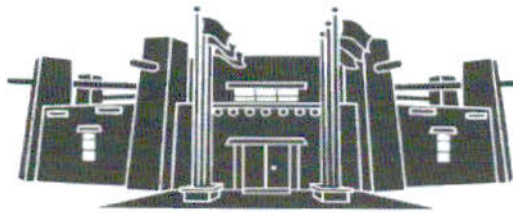
15      The Navajo Nation Code amendment enacted herein shall be effective pursuant to 2  
16      N.N.C. § 221(B).

17  
18      **Section Six. Codification**

19      The provisions of this Act which amend or adopt new sections of the Navajo Nation  
20      Code shall be codified by the Office of Legislative Counsel. The Office of Legislative  
21      Counsel shall incorporate such amended provisions in the next codification of the  
22      Navajo Nation Code.

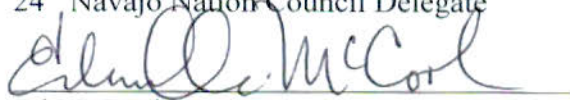
23  
24      **Section Seven. Saving Clause**

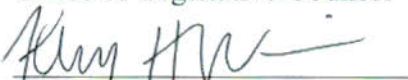
25      Should any provisions of this ordinance be determined invalid by the Navajo Nation  
26      Supreme Court, or the District Courts of the Navajo Nation, without appeal to the  
27      Navajo Nation Supreme Court, those portions of this ordinance which are not  
28      determined invalid shall remain the law of the Navajo Nation.



## MEMORANDUM

TO: Honorable Kee Allen Begay Jr.  
24<sup>th</sup> Navajo Nation Council Delegate

THRU:   
Ed McCool, Attorney  
Office of Legislative Counsel

FROM:   
Khrystyne Wilson, Legal Intern  
Office of Legislative Counsel

DATE: June 28, 2019

RE: AN ACT RELATING TO THE LAW AND ORDER COMMITTEE,  
HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE,  
NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION  
COUNCIL; ADOPTING THE "ACCESIBLE PUBLIC RESTROOMS  
ACT"; ESTABLISHING THE REQUIEMENT FOR ALL NAVAJO  
NATION GOVERNMENT AND PUBLIC SERVICE PROVIDERS TO  
PROVIDE CLEARLY INDICATED ACCESSIBLE PUBLIC  
RESTROOMS; AMENDING THE NAVAJO NATION CODE, TITLE  
13, CHAPTER 53; ADDING NEW SECTIONS 4501, 4502, 4503, and  
4504

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of



the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0174-19

SPONSOR: Kee Allen Begay Jr

TITLE: An Action Relating To The Law And Order Committee, Health, Education And Human Services Committee, NAABIK'IYATI' Committee And The Navajo Nation Council; Adopting The "Accessible Public Restrooms Act"; Establishing The Requirement For All Navajo Nation Government And Public Service Providers To Provide Clearly Indicated Accessible Public Restrooms Amending The Navajo Nation Code, Title 13, Chapter 53; Adding New Sections 4501, 4502, 4503, And 4504

*Date posted:* July 2, 2019 at 11:44 AM

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.*



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0174-19

SPONSOR: Honorable Kee Allen Begay Jr.

TITLE: An Act Relating To The Law And Order Committee, Health, Education And Human Services Committee, Naabik'iyáti' Committee And The Navajo Nation Council; Adopting The "Accessible Public Restrooms Act"; Establishing The Requirement For All Navajo Nation Government And Public Service Providers To Provide Clearly Indicated Accessible Public Restrooms Amending The Navajo Nation Code, Title 13, Chapter 53; Adding New Sections 4501, 4502, 4503, And 4504

Posted: July 2, 2019 at 11:44 PM

5 DAY Comment Period Ended: July 07, 2019

Digital Comments received:

|                       |             |
|-----------------------|-------------|
| Comments Supporting   | <i>None</i> |
| Comments Opposing     | <i>None</i> |
| Inconclusive Comments | <i>None</i> |

  
\_\_\_\_\_  
Legislative Tracking Secretary  
Office of Legislative Services

7/8/19

\_\_\_\_\_  
Date/Time

**LAW AND ORDER COMMITTEE  
24<sup>TH</sup> NAVAJO NATION COUNCIL**

**FIRST YEAR 2019**

**COMMITTEE REPORT**

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

**Legislation No. 0174-19:** An Act Relating to Law and Order, Health, Education and Human Services Committee, Naabik'iyati' Committee and the Navajo Nation Council; Adopting the "Accessible Public Restrooms Act"; Establishing the Requirement for all Navajo Nation Government and Public Service Providers to Provide Clearly Indicated Accessible Public Restroom Amending The Navajo Nation Code, Title 13, Chapter 53; Adding Sections 4501, 4502, 4503, and 4504 – Sponsor: Honorable Kee A. Begay, Jr.

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendment

And thereafter referred to Health, Education & Human Services Committee

Respectfully submitted,



Eugenia Charles-Newton, Chairwoman  
Law and Order Committee  
24<sup>th</sup> Navajo Nation Council

Date: August 12, 2019

Main Motion: Honorable Otto Tso  
Second : Honorable Vince James  
Vote : 2-0-1 (Chairwoman not voting)

**LAW AND ORDER COMMITTEE**

**Regular Meeting**

**August 12, 2019**

**VOTE TALLY SHEET:**

**Legislation No. 0174-19:** An Act Relating to Law and Order, Health, Education and Human Services Committee, Naabik'iyati' Committee and the Navajo Nation Council; Adopting the "Accessible Public Restrooms Act"; Establishing the Requirement for all Navajo Nation Government and Public Service Providers to Provide Clearly Indicated Accessible Public Restroom Amending The Navajo Nation Code, Title 13, Chapter 53; Adding Sections 4501, 4502, 4503, and 4504 – Sponsor: Honorable Kee A. Begay, Jr.

**Main Motion:** Otto Tso

**Second:** Vince James

**Vote:** 2-0-1

**VOTE TALLY:**

Yea: VJames/OTso

Nay:

Excused: ETso

Not Voting: ECNewton

Absent: EYazzie



Eugenia Charles-Newton, Chairwoman



Laureen Spencer, Legislative Advisor  
Law and Order Committee