

# THE NAVAJO NATION

---

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



January 6, 2023

Hon. Otto Tso  
Office of the Speaker  
Post Office Box 3390  
Window Rock, AZ 86515

RE: CD-73-22, *Relating to Law and Order, Resources and Development, Health, Education, and Human Services, and Naabik'iyáti' Committees, and the Navajo Nation Council; Amending Navajo Nation Code 13 N.N.C. §§ 1901, 1902, 1903, 1905, 1906, 1951, and 1953*

Dear Speaker Tso,


I am signing into Resolution CD-73-22 into law.

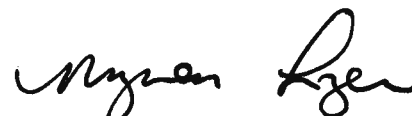
This law requires the development of regulations to govern burials of our deceased family members. I cannot underscore how important it is to develop these regulations.

I had the unfortunate privilege of leading the Nation through the COVID-19 pandemic and one of my most difficult jobs was aiding bereaving families as they tried to respectfully and honorably bury their loved ones. There are no clear processes in place and families are left helpless at a time when they most need help. It is time for the Navajo Nation to confront the difficult issue of burial so that our Nation serves as the permanent homeland it is meant to be for the Navajo People and our non-Navajo husbands and wives.

As the end of my term is approaching, I do not have the privilege of directing the Division of Natural Resources to develop these regulations for RDC consideration. I can only pray that President Elect Nygren will act on this law swiftly.

Sincerely,

  
Jonathan Nez, *President*  
**THE NAVAJO NATION**

  
Myron Lizer, *Vice President*  
**THE NAVAJO NATION**

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL - FOURTH YEAR, 2022

AN ACTION

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION, AND HUMAN SERVICES, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION CODE 13 N.N.C. §§ 1901, 1902, 1903, 1905, 1906, 1951, 1952, AND 1953

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Law and Order Committee of the Navajo Nation Council reviews and makes recommendations to the Navajo Nation Council on proposed amendments to the Navajo Nation Code. 2 N.N.C. § 601(B)(14).
- C. The Resources and Development Committee of the Navajo Nation Council shall exercise oversight authority over land and community development and to oversee regulation of activities on Navajo Nation lands for surface disturbance. 2 N.N.C. §§ 500(C) and 500(C)(2).
- D. The Health, Education, and Human Services Committee of the Navajo Nation Council (HEHSC) is to provide legislative oversight on matters involving health, general governmental services and human services. 2 N.N.C. §§ 400(C)(1). The HEHSC is to establish Navajo Nation policy, promulgate rules and regulations governing health, social services, education, human services and government services of the Navajo Nation. 2 N.N.C. §§ 401(B)(1). The HEHSC has the authority to review and recommend resolutions relating to social services, health, environmental health. 2 N.N.C. §§ 401(B)(6).
- E. The Naabik'íyáti' Committee of the Navajo Nation Council reviews proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- F. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164(A).

## SECTION TWO. FINDINGS

- A. The Navajo Nation population has increased from the 1950 Navajo Nation Resident Population of 49,682 to a Navajo Nation enrollment of 406,014 on August 13, 2022 as reported by the Navajo Nation Office of Vital Records.
- B. Navajo Nation Code, Title 13, Chapter 11 regarding burials should be updated. One section of Navajo Nation Code, Title 13, Chapter 11 regarding burials was enacted in 1947 and the remainder were enacted in 1958. Two amendments were made to two sections. In 1973 an amendment was made to 13 N.N.C. § 1905 (Removal of Bodies) and in 2007 an amendment was made to 13 N.N.C. § 1951 (10 acre for cemeteries increased to 30 acres).
- C. It is in the best interest of the Navajo Nation for the Navajo Nation Council to update the Navajo Nation burial and cemetery laws as codified in Title Thirteen of the Navajo Nation Code.

SECTION THREE. AMENDMENTS TO 13 N.N.C. §§ 1901, *ET SEQ.*

The Navajo Nation hereby amends Title 13 of the Navajo Nation Code, as follows:

---

TITLE 13. HEALTH AND WELFARE  
CHAPTER 11. BURIALS

Subchapter 1. Generally

## § 1901. Navajos

Any member of the Navajo Nation, regardless of place of residence or place of death, may be buried in a ~~Navajo Nation~~ cemetery within the territorial jurisdiction of the Navajo Nation in accordance with regulations adopted by the Resources and Development Committee of the Navajo Nation Council.

## § 1902. Non-Navajos

Dead persons who were not members of the Navajo Nation may be buried in ~~Navajo Nation~~ a cemetery on the Navajo Nation with the approval of the President of the Navajo Nation, or of the Vice-President if the President is absent from Window Rock.

## § 1903. Husbands, wives or children

~~Where a Navajo Indian is buried in a Navajo cemetery, such Indian's non-Navajo husband or wife, or~~ A Non-Navajo spouse

and their children, may be buried in the same cemetery without special approval of the President or Vice-President of the Navajo Nation.

\*\*\*\*

#### § 1905. Removal of bodies

Bodies buried in Navajo Nation cemeteries may not be moved without the consent of the next of kin of the deceased. In the event the next of kin cannot be determined or located, then such bodies may be moved, upon approval by the Government Health, Education, and Human Services Committee of the Navajo Nation Council.

#### § 1906. Annual allotment for expenses

There shall be allotted annually from Navajo Nation funds an amount ~~not to exceed ten thousand dollars (\$10,000),~~ subject to the availability of funding, to ~~pay all~~ assist with costs of funeral and/or burial expenses and transportation of bodies of indigent Navajos.

### Subchapter 3. Cemeteries

#### § 1951. Designation of sites

The ~~Government Services~~ Resources and Development Committee is authorized to designate sites for ~~memorial and general~~ cemeteries on the Navajo Nation of not to exceed 30 acres, ~~upon the recommendation of a majority of members of the district delegation to the Navajo Nation Council.~~

#### § 1952. Maintenance

The ~~Government Services~~ Committee is authorized to provide for ~~improving safeguarding, and beautifying memorial and general~~ cemeteries as the final resting places for Navajos by Resources and Development Committee shall create ~~adopting such rules and regulations as they see fit~~ intended to ensure the safety and beautification of cemeteries on the Navajo Nation.

#### § 1953. Administration; delegation of authority

The ~~Government Services~~ Resources and Development Committee is authorized to delegate to such officers and departments of the Navajo Nation and Political Subdivisions, ~~as they see fit,~~ the authority to administer ~~memorial and general~~ cemeteries so far

as is consistent with the obligations of the Government Services Resources and Development Committee to the Navajo Nation Council.

\*\*\*\*

---

**SECTION FOUR. EFFECTIVE DATE**

The Act enacted herein shall be effective upon its approval pursuant to 2 N.N.C. § 221.

**SECTION FIVE. CODIFICATION**

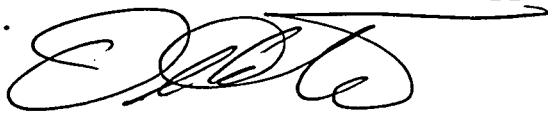
The provisions of this ordinance which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

**SECTION SIX. SAVING CLAUSE**

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this Act, which are not determined invalid, shall remain the law of the Navajo Nation.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 21 in Favor, and 00 Opposed, on this 29<sup>th</sup> day of December 2022.

  
Honorable Otto Tso, Speaker  
24<sup>th</sup> Navajo Nation Council

12.30.2022

---

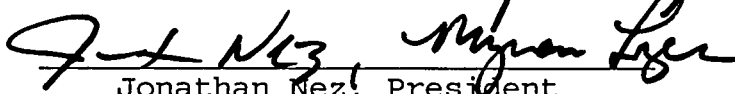
DATE

Motion: Honorable Jamie Henio  
Second: Honorable Eugene Tso

Speaker Otto Tso not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 6<sup>th</sup> day of January, 2022.

  
Jonathan Nez, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2022 for the reason(s) expressed in the attached letter to the Speaker.

---

Jonathan Nez, President  
Navajo Nation

NAVAJO NATION

1271

12/29/2022

Navajo Nation Council Special Session

05:09:11 PM

Amd# to Amd#

New Business: (Item L.)

PASSED

MOT Henio, J

CONSENT AGENDA-(12)Legislations:

SEC Tso, E

0221-22,0234-22,0239-22,0262-22,  
0263-22,0265-22,0268-22,...

Yeas : 21

Nays : 0

Excused : 2

Not Voting : 0

Yea : 21

Begay, E

Damon

James, V

Tso, E

Begay, K

Daniels

Nez, R

Walker, T

Begay, P

Freeland, M

Smith

Wauneka, E

Brown

Halona, P

Stewart, W

Yazzie

Charles-Newton

Henio, J

Tso, D

Yellowhair

Crotty

Nay : 0

Excused : 2

Tso, C

Slater, C

Not Voting : 0

Presiding Speaker: Tso