

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0201-22\_

SPONSOR: Rickie Nez

**TITLE: An Act 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, 1952, and 1953**

***Date posted:*** October 18, 2022 at 5:53PM

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Window Rock, AZ 86515  
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**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.**

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**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0201-22

**DATE:** October 18, 2022

**TITLE OF RESOLUTION:** PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT 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

**PURPOSE:** The purpose of this legislation is to amend Title 13 Chapter 11, Burials at 13 N.N.C. §§ 1901, 1902, 1903, 1905, 1906, 1951, 1952, and 1953.

**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: Johnson

Website Posting Time/Date: \_\_\_\_\_

Posting End Date: 10-23-22

Eligible for Action: 10-24-22

Law & Order Committee

Thence

Resources & Development Committee

Thence

Health Education & Human Services Committee

Thence

Naabik'iyáti' Committee

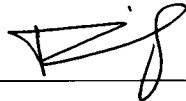
Thence

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24<sup>th</sup> NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY



Rick Naz  
(Prime Sponsor)

TRACKING NO. 0201-22

AN ACT

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

1 establish Navajo Nation policy, promulgate rules and regulations governing health,  
2 social services, education, human services and government services of the Navajo  
3 Nation. 2 N.N.C. §§ 401(B)(1). The HEHSC has the authority to review and  
4 recommend resolutions relating to social services, health, environmental health. 2  
5 N.N.C. §§ 401(B)(6).

6 E. The Naabik'íyáti' Committee of the Navajo Nation Council reviews proposed  
7 legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §  
8 164(A)(9).

9 F. The Navajo Nation Council must review and approve enactments or amendments of  
10 positive law. 2 N.N.C. § 164 (A).

## 11 12 **SECTION TWO. FINDINGS**

13 A. The Navajo Nation population has increased from the 1950 Navajo Nation Resident  
14 Population of 49,682 to a Navajo Nation enrollment of 406,014 on August 13, 2022 as  
15 reported by the Navajo Nation Office of Vital Records.

16 B. Navajo Nation Code, Title 13, Chapter 11 regarding burials should be updated. One  
17 section of Navajo Nation Code, Title 13, Chapter 11 regarding burials was enacted in  
18 1947 and the remainder were enacted in 1958. Two amendments were made to two  
19 sections. In 1973 an amendment was made to 13 N.N.C. § 1905 (Removal of Bodies)  
20 and in 2007 an amendment was made to 13 N.N.C. § 1951 (10 acre for cemeteries  
21 increased to 30 acres).

22 C. It is in the best interest of the Navajo Nation for the Navajo Nation Council to update  
23 the Navajo Nation burial and cemetery laws as codified in Title Thirteen of the Navajo  
24 Nation Code.

## 25 26 **SECTION THREE. AMENDMENTS TO 13 N.N.C. §§ 1901, ET SEQ.**

27 The Navajo Nation hereby amends Title 13 of the Navajo Nation Code, as follows:  
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### 29 **TITLE 13. HEALTH AND WELFARE**

#### 30 **CHAPTER 11. BURIALS**

1  
2 **Subchapter 1. Generally**  
3

4 **§ 1901. Navajos**

5 Any member of the Navajo Nation, regardless of place of residence or place of death,  
6 may be buried in a ~~Navajo Nation~~ cemetery within the territorial jurisdiction of the  
7 Navajo Nation in accordance with regulations adopted by the Resources and  
8 Development Committee of the Navajo Nation Council.  
9

10 **§ 1902. Non-Navajos**

11 Dead persons who were not members of the Navajo Nation may be buried in ~~Navajo~~  
12 ~~Nation~~ a cemeteryies on the Navajo Nation with the approval of the President of the  
13 Navajo Nation, or of the Vice-President if the President is absent from Window Rock.  
14

15 **§ 1903. Husbands, wives or children**

16 ~~Where a Navajo Indian is buried in a Navajo cemetery, such Indian's non-Navajo~~  
17 ~~husband or wife, or~~ A Non-Navajo spouse and their children, may be buried in the same  
18 cemetery without special approval of the President or Vice-President of the Navajo  
19 Nation.  
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21 \*\*\*\*\*  
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23 **§ 1905. Removal of bodies**

24 Bodies buried in Navajo Nation cemeteries may not be moved without the consent of  
25 the next of kin of the deceased. In the event the next of kin cannot be determined or  
26 located, then such bodies may be moved, upon approval by the ~~Government~~ Health,  
27 Education, and Human Services Committee of the Navajo Nation Council.  
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29 **§ 1906. Annual allotment for expenses**  
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**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.