

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0035-25_

SPONSOR: Casey Allen Johnson

TITLE: An Action Relating to Resources and Development Committee; Temporarily Waiving the Navajo Nation Burial and Cemetery Regulations, Section II(V), Designation of a Sexton for Family Plots; Waiving Section III, Authorization for Burial and Cemetery Expansion; and Authorizing the Department Manager of the Navajo Land Department to Sign Final Disposition Authorizations for Family Plots

Date posted: March 25, 2025 at 7:35PM

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Office of Legislative Services
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LEGISLATIVE SUMMARY SHEET

Tracking No. 0035-25

DATE: March 25, 2025

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; TEMPORARILY WAIVING THE NAVAJO NATION BURIAL AND CEMETERY REGULATIONS, SECTION II (V), DESIGNATION OF A SEXTON FOR FAMILY PLOTS; WAIVING SECTION III, AUTHORIZATION FOR BURIAL AND CEMETERY EXPANSION; AND AUTHORIZING THE DEPARTMENT MANAGER OF THE NAVAJO LAND DEPARTMENT TO SIGN FINAL DISPOSITION AUTHORIZATIONS FOR FAMILY PLOTS

PURPOSE: The purpose of this legislation is to approve the temporary waiver of the Navajo Nation Burial and Cemetery Rules and Regulations Section II (V) and Section III (A) regarding the designation of a sexton and the duties of the sexton and authorizing the Department Manager of the Navajo Land Department to sign Final Disposition Authorization in lieu of the sexton.

Final Authority: Resources and Development Committee

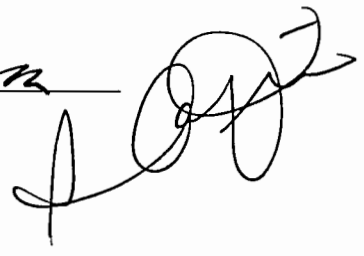
Vote Required: Simple Majority

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: affhusan
Website Posting Time/Date: _____
Posting End Date: 03-30-25
Eligible for Action: 03-31-25

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL – Third Year, 2025
3 INTRODUCED BY

4 Caray Allen Johnson
5
6 (Prime Sponsor)



7
8 TRACKING NO. 0035-25

9
10 AN ACTION
11 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
12 TEMPORARILY WAIVING THE NAVAJO NATION BURIAL AND CEMETERY
13 REGULATIONS, SECTION II (V), DESIGNATION OF A SEXTON FOR FAMILY
14 PLOTS; WAIVING SECTION III, AUTHORIZATION FOR BURIAL AND
15 CEMETERY EXPANSION; AND AUTHORIZING THE DEPARTMENT MANAGER
16 OF THE NAVAJO LAND DEPARTMENT TO SIGN FINAL DISPOSITION
17 AUTHORIZATIONS FOR FAMILY PLOTS
18

19 BE IT ENACTED:
20

21 **SECTION ONE. AUTHORITY**

- 22 A. The Resources and Development Committee of the Navajo Nation Council shall
23 exercise oversight authority over land and community development and to oversee
24 regulation of activities on Navajo Nation lands for surface disturbance. 2 N.N.C. §§
25 500(C) and 500(C) (2).
26 B. The Resources and Development Committee shall create rules and regulations intended
27 to ensure the safety and beautification of cemeteries on the Navajo Nation. 13 N.N.C.
28 § 1952; CD-73-22.

29
30 **SECTION TWO. FINDINGS**

- 1 A. On December 30, 2022, the Navajo Nation Council updated the Navajo Nation Code,
2 Title 13, Chapter 11 regarding burials. The Navajo Nation President signed Resolution
3 CD-73-22 on January 6, 2022. This update to the burial provisions of Title 13 Health
4 and Welfare Code tasked the Resources and Development Committee to approve
5 Navajo Nation Burial and Cemetery Rules and Regulations.
- 6 B. On February 14, 2024, the Resources and Development Committee through Resolution
7 RDCF-07-24 approved the Navajo Nation Burial and Cemetery Rules and Regulations.
8 Resolution RDCF-07-24 is attached as **Exhibit 1**.
- 9 C. The Resources and Development Committee received an oral report from the Navajo
10 Land Department (or “Land Department”) at the Resources and Development
11 Committee’s March 24, 2025 meeting. The Department Manager of the Land
12 Department stated that many families with existing family burial plots have not
13 completed the necessary land withdrawals and other procedures delineated in the
14 Navajo Nation Burial and Cemetery Rules and Regulations to establish their Family
15 Plot Cemeteries. The Family Plot Cemetery requirements are listed at RDCF-07-24,
16 Exhibit A, Navajo Nation Burial and Cemetery Regulations, Section IV E. Family Plot
17 Cemeteries.
- 18 D. The Navajo Nation Burial and Cemetery Rules and Regulations specifies that a sexton
19 is to be named for each cemetery. The *““Sexton” means the person(s) authorized to
20 sign the Final Disposition Authorization prior to interment of a body in an on-
21 reservation cemetery. The sexton may be the cemetery administrator. The sexton shall
22 not include any Navajo Nation Council Delegate, Chapter Official, chapter employee,
23 Grazing Official, valid Grazing Permittee, Land Board member, Farm Board Member,
24 or any Navajo employee or official unless otherwise specified.”* RDCF-07-24, Exhibit
25 A, Navajo Nation Burial and Cemetery Regulations, Section II (V).
- 26 E. The Department Manager of the Navajo Land Department reported to the Resources
27 and Development Committee on March 24, 2025 that mortuaries need designated
28 sextons to sign documents authorizing the mortuaries to come onto the Navajo Nation.
- 29 F. The Resources and Development Committee finds a need to temporarily waive the
30 designation of a sexton for family plots. The Resources and Development Committee

1 finds that the Department Manager of the Navajo Land Department will stand in for
2 the sexton to sign Final Disposition Authorization for family plots.

3
4 **SECTION THREE. WAIVING THE NAVAJO NATION BURIAL AND**
5 **CEMETERY REGULATIONS SECTION II (V)**

6 The Navajo Nation hereby approves the waiver of the Navajo Nation Burial and
7 Cemetery Rules and Regulations Section II (V) which states:

8 *“Sexton” means the person(s) authorized to sign the Final Disposition Authorization*
9 *prior to interment of a body in an on-reservation cemetery. The sexton may be the*
10 *cemetery administrator. The sexton shall not include any Navajo Nation Council*
11 *Delegate, Chapter Official, chapter employee, Grazing Official, valid Grazing*
12 *Permittee, Land Board member, Farm Board Member, or any Navajo employee or*
13 *official unless otherwise specified.”*

14
15 **SECTION FOUR. WAIVING THE NAVAJO NATION BURIAL AND**
16 **CEMETERY REGULATIONS SECTION III (A)**

17 The Navajo Nation hereby approves the waiver of the Navajo Nation Burial and
18 Cemetery Rules and Regulations Section III (A) which states:

19 *A. Under 16 N.N.C. §§2251 and 2252, use of any Nation lands must be properly*
20 *authorized. Prior to any burial, any and all Funeral Service Providers shall obtain a*
21 *signed authorization from an authorized sexton. Unauthorized burials will lead to civil*
22 *penalties listed under 16 N.N.C. §2253 and §2254.*

23
24 **SECTION FIVE. AUTHORIZING THE DEPARTMENT MANAGER OF THE**
25 **NAVAJO LAND DEPARTMENT TO SIGN THE FINAL DISPOSITION**
26 **AUTHORIZATION**

27 This limited waiver is to allow the Department Manager of the Navajo Land
28 Department to sign the Final Disposition Authorization in lieu of a sexton for family
29 plots.
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SECTION SIX. EFFECTIVE DATE

The Action enacted herein shall be effective upon its approval pursuant to 2 N.N.C. § 189(A).

SECTION SEVEN. 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 Action, which are not determined invalid, shall remain the law of the Navajo Nation.