

ASSEMBLY BILL NO. 402—ASSEMBLYMEN FREEMAN AND MARVEL

MARCH 16, 2001

Referred to Committee on Government Affairs

SUMMARY—Provides for family cemeteries and authorizes cemetery authorities to order disinterment and removal of human remains. (BDR 40-1192)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to cemeteries; authorizing the creation of family cemeteries; revising the authority and procedure for ordering disinterment and removal of human remains and care of gravesites; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 451 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 1. *One or more natural persons may designate as a family cemetery*
4 *an area of land owned by any of those persons and may inter in that area*
5 *any member of the family of any of them or any other person, but may*
6 *not charge any person for permission to inter in the area.*
7 2. *Before the first interment in the family cemetery, a member of the*
8 *family or a representative of the family shall notify the health division of*
9 *the department of human resources of the designation of the family*
10 *cemetery and its specific location on the land owned by the family.*
11 **Sec. 2.** NRS 451.070 is hereby amended to read as follows:
12 451.070 ~~The governing body of any incorporated city~~ *A cemetery*
13 *authority* may order the disinterment and removal of all human remains
14 interred in all or any part of any cemetery ~~situated within its limits,~~
15 ~~whenever the governing body, by ordinance, declares~~ *if the cemetery*
16 *authority or a governmental authority determines* that the further
17 maintenance of all or any part of the cemetery as a burial place for the
18 human dead is not in accordance with the health, safety, comfort or welfare
19 of the public ~~or~~ *or if the cemetery authority determines that financial*
20 *provision must be made for future care of gravesites within a specified*
21 *area.*



1 **Sec. 3.** NRS 451.080 is hereby amended to read as follows:
2 451.080 1. The ~~{governing body of such a city may in any ordinance~~
3 ~~ordering or directing the disinterment and removal of such remains}~~
4 *cemetery authority may* prescribe reasonable regulations governing the
5 manner of making disinterments and removals and providing for
6 reinterment in a portion of the existing cemetery or in any other cemetery
7 or for deposit of the remains in any memorial mausoleum or columbarium
8 ~~{-}~~ *or for providing appropriate future care.*

9 2. The ~~{ordinance}~~ *cemetery authority* must prescribe a reasonable
10 time of not less than 1 year in which the removal of remains may be made
11 by the cemetery authority, ~~{or}~~ by the owners or holders of interment
12 spaces, or by the relatives or friends of those whose remains are interred in
13 the cemetery, and may also provide that if the remains are not removed *or*
14 *appropriate provision made for future care* within the period fixed, the
15 ~~{city will itself}~~ *cemetery authority will* proceed to remove the remains and
16 reinter them in another cemetery or deposit them in a memorial mausoleum
17 or columbarium.

18 **Sec. 4.** NRS 451.110 is hereby amended to read as follows:
19 451.110 1. Notice of a ~~{declaration of intention}~~ *determination* to
20 remove the human remains from all or any part of any cemetery ~~{shall}~~
21 *must* be given by publication in a newspaper of general circulation
22 published in the city, *or the county if the cemetery is in an*
23 *unincorporated area*, in which the cemetery or the portion from which
24 removals are to be made is situated. Publication ~~{shall}~~ *must* be at least
25 once a week for 2 successive months.

26 2. *The notice must contain the period, running from the date of first*
27 *publication, during which persons other than the cemetery authority may*
28 *remove remains or provide for appropriate care of gravesites.*

29 **Sec. 5.** NRS 451.260 is hereby amended to read as follows:
30 451.260 After the completion of notice and after the expiration of the
31 period ~~{of 10 months}~~ specified in the notice, ~~{any}~~ *the* cemetery authority
32 may cause the removal of all human remains interred in the cemetery or
33 portion from which the remains have been ordered removed, and may
34 reinter such remains in other cemeteries in this state where interments are
35 permitted, without further notice to any person claiming any interest in the
36 cemetery, or portion affected, or in the remains interred therein.

37 **Sec. 6.** NRS 451.090, 451.100 and 451.120 are hereby repealed.

TEXT OF REPEALED SECTIONS

451.090 Authority for declaration of intention by cemetery authority; procedure for declaration by cemetery corporation or association.

1. The cemetery authority of any cemetery from which human remains are ordered removed by an ordinance adopted in accordance with NRS 451.070 and 451.080 may declare its intention and purpose to disinter and



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remove the remains in accordance with the ordinance, and to reinter the remains in a portion of the existing cemetery or in any other cemetery, or to deposit the removed remains in a memorial mausoleum or columbarium.

2. In the case of a cemetery corporation or association the procedure for the declaration is by resolution of the governing body of the corporation or association, ratified and approved by a majority vote of the lot owners or holders at any regular meeting of the corporation or association, or at a meeting specially called for the purpose.

451.100 Declaration of intention by cemetery authority: Contents.

Any resolution or declaration of intention to disinter and remove human remains pursuant to the provisions of NRS 451.090 adopted or declared by any cemetery authority shall specify and declare that at any time after the expiration of 10 months from and after the first publication of the notice of the resolution or declaration, the human remains then remaining in all or any part of the cemetery will be removed by the cemetery authority.

451.120 Declaration of intention by cemetery authority: Title and contents of notice.

The notice shall be entitled: "Notice of Declaration of Intention To Remove Human Remains From (insert name of cemetery) in accordance with the provisions of City Ordinance No. (insert number) of the (insert name of city) adopted (insert date)" and shall specify a date not less than 10 months after the first publication when the cemetery authority causing the notice to be published will proceed to remove the remains then remaining in such cemetery or the portion from which removals are to be made.

