

Assembly Bill No. 402--Assemblymen Freeman and Marvel

CHAPTER.....

AN ACT relating to cemeteries; authorizing the adoption of ordinances in certain counties allowing the designation of family cemeteries; revising the authority and procedure for ordering the disinterment and removal of human remains; and providing other matters properly relating thereto.

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

Section 1. Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of a county whose population is less than 50,000 may adopt an ordinance allowing one or more natural persons to designate as a family cemetery an area of land owned by any of those persons for the interment in that area without charge of any member of the family of any of them or any other person.

2. Before the first interment in a family cemetery designated in accordance with an ordinance adopted pursuant to subsection 1, a member of the family or a representative of the family shall notify the health division of the department of human resources of the designation of the family cemetery and its specific location on the land owned by the family.

Sec. 2. NRS 451.069 is hereby amended to read as follows:

451.069 As used in NRS 451.070 to ~~451.340,~~ **451.330**, inclusive, "cemetery authority" means any natural person, partnership, association, corporation or public entity, including the University and Community College System of Nevada or any cemetery district, owning or leasing the land or other property of a cemetery or operating a cemetery as a business in this state.

Sec. 3. NRS 451.070 is hereby amended to read as follows:

451.070 ~~The governing body of any incorporated city~~ **A cemetery authority** may order the disinterment and removal of all human remains interred in all or any part of any cemetery ~~situated within its limits, whenever the governing body, by ordinance, declares~~ **if the cemetery authority or a governmental authority determines** that the further maintenance of all or any part of the cemetery as a burial place for the human dead is not in accordance with the health, safety, comfort or welfare of the public ~~or if the cemetery authority determines that financial provision must be made for future care of gravesites within a specified area.~~

Sec. 4. NRS 451.080 is hereby amended to read as follows:

451.080 1. The ~~governing body of such a city may in any ordinance ordering or directing the disinterment and removal of such remains~~ **cemetery authority may** prescribe reasonable regulations governing the manner of making disinterments and removals and providing for reinterment in a portion of the existing cemetery or in any other cemetery or for deposit of the remains in any memorial mausoleum or columbarium ~~or for providing appropriate future care.~~

2. The ~~ordinance~~ **cemetery authority** must prescribe a reasonable time of not less than 1 year ~~in~~ **after** which the ~~removal of remains may~~

~~be made by the cemetery authority, or by the owners or holders of interment spaces, or by the relatives or friends of those whose remains are interred in the cemetery, and may also provide that if the remains are not removed within the period fixed, the city will itself~~ **cemetery authority may** proceed to remove the remains and reinter them in another cemetery or deposit them in a memorial mausoleum or columbarium.

Sec. 5. NRS 451.110 is hereby amended to read as follows:

451.110 **1.** Notice of a ~~{declaration of intention}~~ **determination** to remove the human remains from all or any part of any cemetery ~~{shall}~~ **must** be given by publication in a newspaper of general circulation published in the city, ~~or the county if the cemetery is in an unincorporated area,~~ in which the cemetery or the portion from which removals are to be made is situated. Publication ~~{shall}~~ **must** be at least once a week for ~~{2 successive months.}~~ **4 consecutive weeks.**

2. The notice must specify the period after which the cemetery authority may remove the remains.

Sec. 6. NRS 451.260 is hereby amended to read as follows:

451.260 After the completion of notice and after the expiration of the period ~~{of 10 months}~~ specified in the notice, ~~{any}~~ **the** cemetery authority may cause the removal of all human remains interred in the cemetery or portion from which the remains have been ordered removed, and may reinter such remains in other cemeteries in this state where interments are permitted, without further notice to any person claiming any interest in the cemetery, or portion affected, or in the remains interred therein.

Sec. 7. NRS 451.280 is hereby amended to read as follows:

451.280 Whenever human remains have been ordered removed under the provisions of NRS 451.069 to ~~{451.340.}~~ **451.330**, inclusive, and the cemetery authority has made and published notice of ~~{intention}~~ **the determination** to remove such remains, the portions of the cemetery in which no interments have been made, and those portions from which all human remains have been removed, may be sold, mortgaged or otherwise encumbered as security for any loan or loans made to the cemetery authority.

Sec. 8. NRS 451.310 is hereby amended to read as follows:

451.310 If, ~~{prior to the adoption of an ordinance pursuant to the provisions of NRS 451.069 to 451.340, inclusive,}~~ **before receiving notice of any determination made by a governmental authority pursuant to NRS 451.070**, any cemetery authority has in good faith entered into any agreement to sell or has granted any option to buy all or any portion of its cemetery lands for a price reasonable at the time the agreement to sell was made, or the option granted, the district court shall confirm the sale at the price stipulated in the agreement to sell or the option to buy.

Sec. 9. NRS 451.330 is hereby amended to read as follows:

451.330 After all remains have been removed from a cemetery in accordance with the provisions of NRS 451.069 to ~~{451.340.}~~ **451.330**, inclusive, the dedication may be removed from all or any part of such cemetery lands by an order and decree of the district court of the county in which the property is situated, in a proceeding brought for that purpose and upon notice of hearing and proof satisfactory to the court:

1. That all bodies have been removed, or that no interments were made; and

2. That the property is no longer used or required for interment.

Sec. 10. NRS 451.090, 451.100, 451.120, 451.200, 451.210, 451.220, 451.230, 451.240 and 451.250 are hereby repealed.