

ASSEMBLY BILL NO. 402—ASSEMBLYMEN FREEMAN AND MARVEL

MARCH 16, 2001

Referred to Committee on Government Affairs

SUMMARY—Authorizes adoption of ordinances in certain counties for designation of 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 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:

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

3 ***1. The board of county commissioners of a county whose***
4 ***population is less than 20,000 may adopt an ordinance allowing one or***
5 ***more natural persons to designate as a family cemetery an area of land***
6 ***owned by any of those persons for the interment in that area without***
7 ***charge of any member of the family of any of them or any other person.***

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

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

15 451.069 As used in NRS 451.070 to ~~451.340,~~ **451.330**, inclusive,
16 “cemetery authority” means any natural person, partnership, association,
17 corporation or public entity, including the University and Community
18 College System of Nevada or any cemetery district, owning or leasing the
19 land or other property of a cemetery or operating a cemetery as a business
20 in this state.



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

2 451.070 ~~{The governing body of any incorporated city}~~ *A cemetery*
3 *authority* may order the disinterment and removal of all human remains
4 interred in all or any part of any cemetery ~~{situated within its limits,~~
5 ~~whenever the governing body, by ordinance, declares}~~ *if the cemetery*
6 *authority or a governmental authority determines* that the further
7 maintenance of all or any part of the cemetery as a burial place for the
8 human dead is not in accordance with the health, safety, comfort or welfare
9 of the public ~~{}~~ *or if the cemetery authority determines that financial*
10 *provision must be made for future care of gravesites within a specified*
11 *area.*

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

13 451.080 1. The ~~{governing body of such a city may in any ordinance~~
14 ~~ordering or directing the disinterment and removal of such remains}~~
15 *cemetery authority may* prescribe reasonable regulations governing the
16 manner of making disinterments and removals and providing for
17 reinterment in a portion of the existing cemetery or in any other cemetery
18 or for deposit of the remains in any memorial mausoleum or columbarium
19 ~~{}~~ *or for providing appropriate future care.*

20 2. The ~~{ordinance}~~ *cemetery authority* must prescribe a reasonable
21 time of not less than 1 year ~~{in}~~ *after* which the ~~{removal of remains may~~
22 ~~be made by the cemetery authority, or by the owners or holders of~~
23 ~~interment spaces, or by the relatives or friends of those whose remains are~~
24 ~~interred in the cemetery, and may also provide that if the remains are not~~
25 ~~removed within the period fixed, the city will itself}~~ *cemetery authority*
26 *may* proceed to remove the remains and reinter them in another cemetery
27 or deposit them in a memorial mausoleum or columbarium.

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

29 451.110 1. Notice of a ~~{declaration of intention}~~ *determination* to
30 remove the human remains from all or any part of any cemetery ~~{shall}~~
31 *must* be given by publication in a newspaper of general circulation
32 published in the city, *or the county if the cemetery is in an*
33 *unincorporated area,* in which the cemetery or the portion from which
34 removals are to be made is situated. Publication ~~{shall}~~ *must* be at least
35 once a week for ~~{2 successive months.}~~ *4 consecutive weeks.*

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

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

39 451.260 After the completion of notice and after the expiration of the
40 period ~~{of 10 months}~~ specified in the notice, ~~{any}~~ *the* cemetery authority
41 may cause the removal of all human remains interred in the cemetery or
42 portion from which the remains have been ordered removed, and may
43 reinter such remains in other cemeteries in this state where interments are
44 permitted, without further notice to any person claiming any interest in the
45 cemetery, or portion affected, or in the remains interred therein.

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

47 451.280 Whenever human remains have been ordered removed under
48 the provisions of NRS 451.069 to ~~{451.340.}~~ *451.330,* inclusive, and the
49 cemetery authority has made and published notice of ~~{intention}~~ *the*



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1 *determination* to remove such remains, the portions of the cemetery in
2 which no interments have been made, and those portions from which all
3 human remains have been removed, may be sold, mortgaged or otherwise
4 encumbered as security for any loan or loans made to the cemetery
5 authority.
6 **Sec. 8.** NRS 451.310 is hereby amended to read as follows:
7 451.310 If, ~~prior to the adoption of an ordinance pursuant to the~~
8 ~~provisions of NRS 451.069 to 451.340, inclusive,~~ *before receiving notice*
9 *of any determination made by a governmental authority pursuant to NRS*
10 *451.070*, any cemetery authority has in good faith entered into any
11 agreement to sell or has granted any option to buy all or any portion of its
12 cemetery lands for a price reasonable at the time the agreement to sell was
13 made, or the option granted, the district court shall confirm the sale at the
14 price stipulated in the agreement to sell or the option to buy.
15 **Sec. 9.** NRS 451.330 is hereby amended to read as follows:
16 451.330 After all remains have been removed from a cemetery in
17 accordance with the provisions of NRS 451.069 to ~~451.340,~~ *451.330*,
18 inclusive, the dedication may be removed from all or any part of such
19 cemetery lands by an order and decree of the district court of the county in
20 which the property is situated, in a proceeding brought for that purpose and
21 upon notice of hearing and proof satisfactory to the court:
22 1. That all bodies have been removed, or that no interments were
23 made; and
24 2. That the property is no longer used or required for interment.
25 **Sec. 10.** NRS 451.090, 451.100, 451.120, 451.200, 451.210, 451.220,
26 451.230, 451.240 and 451.250 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

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

451.100 Declaration of intention by cemetery authority: Contents.

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

451.200 Right of relative or friend to remove remains.

451.210 Delivery of affidavit to cemetery authority; consent of heirs; effect of affidavit and consent.

451.220 Persons entitled to remove without filing of consent.

451.230 Heir of grantee of plot entitled to remove without filing of consent; affidavit of heir as evidence of transfer.

451.240 Removal of improvements by relative or friend; authority to permit removal.

451.250 Removal of improvements by cemetery authority.

