

Amendment No. 178

Assembly Amendment to Assembly Bill No. 295

(BDR 40-1073)

Proposed by: Assembly Committee on Health and Human Services**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MSM/BJE



Date: 4/10/2011

A.B. No. 295—Revises provisions governing the disposition of the human remains of certain deceased military personnel. (BDR 40-1073)



ASSEMBLY BILL NO. 295—ASSEMBLYMEN BOBZIEN, ANDERSON; BUSTAMANTE
ADAMS, HOGAN, KIRKPATRICK, MASTROLUCA AND SMITH

MARCH 17, 2011

JOINT SPONSOR: SENATOR LESLIE

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the disposition of the human remains
of certain deceased military personnel. (BDR 40-1073)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 human remains; authorizing certain persons who are designated by a member of the Armed Forces of the United States, a reserve component thereof or the National Guard to order the burial or cremation of the human remains of the member upon his or her death ~~to~~ on active duty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain persons to order the burial or cremation of human remains of a deceased person and establishes the order of priority in which such persons may direct the disposition of a decedent. (NRS 451.024, 451.650) **Sections 1 and 2** of this bill authorize a person who was designated by a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, to order the burial or cremation of the human remains of the member upon his or her death ~~to~~ on active duty.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**Section 1.** NRS 451.024 is hereby amended to read as follows:

451.024 1. The following persons, in the following order of priority, may order the burial of human remains of a deceased person:

(a) A person designated as the person with authority to order the burial of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 5;

(b) *If the decedent was, at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the*

National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, as the person authorized to direct disposition of the human remains of the decedent;

(c) The spouse of the decedent;

~~(e)~~ (d) An adult son or daughter of the decedent;

~~(e)~~ (e) Either parent of the decedent;

~~(e)~~ (f) An adult brother or sister of the decedent;

~~(e)~~ (g) A grandparent of the decedent;

~~(g)~~ (h) A guardian of the person of the decedent at the time of death; and

~~(h)~~ (i) A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death.

2. If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of a county or the State, the appropriate public officer may order the burial of the remains and provide for the respectful disposition of the remains.

3. If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the final disposition of the person, a representative of the scientific institution or medical facility may order the burial of his or her remains.

4. A living person may order the burial of human remains removed from his or her body or the burial of his or her body after death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

5. A person 18 years of age or older wishing to authorize another person to order the burial of his or her human remains in the event of the person's death may execute an affidavit before a notary public in substantially the following form:

State of Nevada }
 } ss
 County of }

(Date)

I, (person authorizing another person to order the burial of his or her human remains in the event of his or her death) do hereby designate (person who is being authorized to order the burial of the human remains of a person in the event of his or her death) to order the burial of my human remains upon my death.

Subscribed and sworn to before me this

day of the month of of the year

.....

(Notary Public)

Sec. 2. NRS 451.650 is hereby amended to read as follows:

451.650 1. The following persons, in the following order of priority, may order the cremation of human remains of a deceased person:

(a) A person designated as the person with authority to order the cremation of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 5;

(b) *If the decedent was, at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, as the person authorized to direct disposition of the human remains of the decedent;*

(c) The spouse of the decedent;

~~(e)~~ (d) An adult son or daughter of the decedent;
~~(e)~~ (e) Either parent of the decedent;
~~(e)~~ (f) An adult brother or sister of the decedent;
~~(e)~~ (g) A grandparent of the decedent;
~~(e)~~ (h) A guardian of the person of the decedent at the time of death; and
~~(e)~~ (i) A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death.

2. If the deceased person was an indigent or other person for the final disposition of whose remains a county or the State is responsible, the appropriate public officer may order cremation of the remains and provide for the respectful disposition of the cremated remains.

3. If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the final disposition of the person, a representative of the scientific institution or medical facility may order cremation of the remains of the person.

4. A living person may order the cremation of human remains removed from his or her body or the cremation of the body of the person after the person's death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

5. A person 18 years of age or older wishing to give authority to another person to order the cremation of his or her human remains upon the person's death may execute an affidavit before a notary public in substantially the following form:

State of Nevada }
 } ss
 County of..... }

(Date).....
 I,, (person authorizing another person to order the cremation of his or her human remains upon his or her death) do hereby designate (person who is being authorized to order the cremation of the human remains of another person in the event of his or her death) to order the cremation of my human remains upon my death.

Subscribed and sworn to before me this
 day of the month of of the year

.....
 (Notary Public)