

PROPOSED CONCEPTUAL AMENDMENT TO ASSEMBLY BILL 350

BACKGROUND

Assembly Bill 350 seeks to clarify existing rules related to cemetery maintenance and to require sensible regulation related to exhumations.

OVERVIEW OF AMENDMENTS

- Amend Section 5.1(a) to include a provision that excludes mowing and maintaining any grass in which grass growth is dormant based on temperature conditions, or when city, county, state, or national water management agencies limit the irrigation water supply during drought conditions.
- Amend Section 5.1(b) to include a provision that annual weed treatment can suffice for compliance with this subsection.
- Amend Section 5.1(f) to clarify that tombs, monuments, gravestones or other structures within the limits of the cemetery is properly placed on the intended space(s) as documented in sales and/or interment records.
- Add Section 5.1(g) to allow for temporary removal, and subsequent replacement of any tombs, monuments, gravestones, or other structures to allow access of equipment, memorial installation, or other activity required for normal operations of the cemetery.
- Amend Section 5.2 to include a provision that if an owner of a cemetery fails to comply with the order to any action necessary to bring the cemetery into such orderly condition as prescribed in the bill, the county or city in which the cemetery is located may take any action necessary to bring the cemetery into such condition at the owner's expense. Omit references to the county or city accepting transfer of title of cemetery not in compliance with this section.
- Add Section 6 to allow members of the National Guard or a reserve component of United States who do not meet the eligibility requirements outlined in NRS 417.210(1), but do meet the definition of a veteran as defined in NRS 417.005, to be eligible for interment in a state veterans' cemetery.

ADDITIONAL SUGGEST LANGUAGE ON VETERANS

EXPLANATION: Matter in (1) *blue bold italics* is new language (2) variations of green bold underlining is language proposed to be added by amendment; (3) ~~red-strikethrough~~ is deleted language; (4) ~~purple double-strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

6. NRS 417.210 is hereby amended to read as follows:

1. A veteran who is eligible for internment in a national cemetery pursuant to the provisions of 38 U.S.C § 2402 is eligible for internment in a veterans' cemetery in this State.

2. An eligible veteran, or a member of his or her immediate family, or a veterans' organization recognized by the Director may apply for a plot in a cemetery for a veteran in this

State by submitting a request to the cemetery superintendent on a form to be supplied by the cemetery superintendent. The application for interment must provide for a selection to have the area immediately above and surrounding the interred remains of the applicant landscaped with natural grass or xeriscaping. The cemetery superintendent shall assign available plots in the order in which applications are received. A specific plot may not be reserved before it is needed for burial. No charge may be made for a plot or for the interment of a veteran.

3. National Guard or a reserve component of the United States members that do not meet the eligibility requirements in section 1 but do meet the definition of a veteran as defined in NRS 417.005 are eligible for interments in the veterans' cemetery in this state.

4. The Director shall charge a fee for the interment of an eligible veteran as identified in Section 4, but the fee may not exceed the actual cost of interment as identified by the United States Department of Veterans Affairs.

5. Veterans that have received a commemorative plaque or urn from the United States Department of Veterans Affairs are prohibited by law from being interred in a United States Department of Veterans Affairs national cemetery and from being provided a headstone, marker, or medallion for placement in any cemetery will be eligible for internment in a State of Nevada Veterans Cemetery if they meet the definition of a veteran as defined in NRS 417.005.

6. The Director shall charge a fee for the interment of an eligible veteran as identified in Section 4, but the fee may not exceed the actual cost of interment as identified by the United States Department of Veterans Affairs. In addition, the Director shall charge a fee for the marker that will be placed on the plot, the fee shall not exceed the actual cost associated with the marker.

~~3.~~ 7. One plot is allowed for the interment of each eligible veteran and for each member of his or her immediate family, except where the conditions of the soil or the number of the decedents of the family requires more than one plot.

~~4.~~ 8. The Director shall charge a fee for the interment of a family member, but the fee may not exceed the actual cost of interment.

~~5.~~ 9. As used in this section, "immediate family" means the spouse, minor child or, when the Director deem appropriate, the unmarried adult child of an eligible veteran.