House Engrossed Senate Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 94

SENATE BILL 1023

AN ACT

AMENDING SECTIONS 14-5425, 32-1365.02, 36-327, 36-831, 36-3221 AND 36-3224, ARIZONA REVISED STATUTES; RELATING TO BURIAL RESPONSIBILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 14-5425, Arizona Revised Statutes, is amended to read:

14-5425. Distributive duties and powers of conservator

A. A conservator may expend or distribute income or principal of the estate without court authorization or confirmation for the support, education, care or benefit of the protected person and the person's dependents in accordance with the following principles:

1. The conservator shall consider recommendations relating to the appropriate standard of support, education and benefit for the protected person made by a parent or guardian, if any. The conservator may not be surcharged for sums paid to persons or organizations actually furnishing support, education or care to the protected person pursuant to the recommendations of a parent or guardian of the protected person unless the conservator knows that the parent or guardian is deriving personal financial benefit therefrom, including relief from any personal duty of support, or unless the recommendations are clearly not in the best interests of the protected person.

2. The conservator shall expend or distribute sums reasonably necessary for the support, education, care or benefit of the protected person and the person's dependents with due regard to:

(a) The size of the estate, the probable duration of the conservatorship and the likelihood that the protected person, at some future time, may be fully able to be wholly self-sufficient and able to manage business affairs and the estate.

(b) The accustomed standard of living of the protected person and the person's dependents.

(c) Other funds or sources used for the support of the protected person.

3. With respect to the affairs and estate of a minor, the conservator shall also consider the following factors in making estate distributions:

(a) The financial responsibility and financial resources of the parents of the child.

(b) Extraordinary custodial responsibilities undertaken by the parent or parents as the result of the child's physical or mental condition and the effect of these extraordinary responsibilities on appropriate gainful employment of the parent.

(c) The physical and mental condition of the child and the child's medical and educational needs. Any incidental benefit to other members of the child's household derived from a distribution is not a disqualifying factor.

(d) If the child is permanently and totally disabled, the standard of living the child should reasonably expect to enjoy given the financial resources available to the child.

4. The conservator may expend funds of the estate for the support of persons legally dependent on the protected person and others who are members of the protected person's household, who are unable to support themselves, and who are in need of support. If benefits are being paid by the veterans administration to the conservator, such income may be expended only for the support of the protected person and the person's spouse and minor children, except upon petition to and prior order of the court after a hearing.

5. Funds expended under this subsection may be paid by the conservator to any person, including the protected person, to reimburse for expenditures which the conservator might have made, or in advance for services to be rendered to the protected person when it is reasonable to expect that they will be performed and where advance payments are customary or reasonably necessary under the circumstances.

6. A conservator, in discharging the responsibilities conferred by a court order and this section, shall implement the principles described in section 14-5408 to the extent possible.

B. When a minor who has not been adjudged disabled under section 14-5401, paragraph 2 attains majority, the conservator, after meeting all prior claims and expenses of administration, shall pay over and distribute all funds and properties to the former protected person as soon as possible.

C. When the conservator is satisfied that a protected person's disability, other than minority, has ceased, the conservator, after meeting all prior claims and expenses of administration, shall pay over and distribute all funds and properties to the former protected person as soon as possible.

D. If a protected person dies, the conservator may deliver to the court for safekeeping any will of the deceased protected person which may have come into the conservator's possession or deliver the will to the personal representative named in the will. If the will is delivered to the personal representative named in the will, a copy of the will shall be filed with the court in the conservatorship proceeding. If the will is filed with the court the conservator shall inform the personal representative or a beneficiary named therein that the conservator has done so, and retain the estate for delivery to a duly appointed personal representative of the decedent or other persons entitled thereto. If after forty days from the death of the protected person no other person has been appointed personal representative and no application or petition for appointment is before the court, the conservator may apply to exercise the powers and duties of a personal representative so that the conservator may proceed to administer and distribute the decedent's estate without additional or further appointment. The conservator may include in such an application a request to probate the will of the deceased protected person. On receipt of an application, the registrar, after making the findings required pursuant to section 14-3303, shall issue a written statement of informal probate and shall endorse the letters of the conservator. The registrar may also enter the will of the

deceased protected person to probate. The statement of the registrar under this section shall have the effect of an order of appointment of a personal representative as provided in section 14-3308 and chapter 3, articles 6 through 10 of this title, except that the estate in the name of the conservator, after administration, may be distributed to the decedent's successors without prior re-transfer to the conservator as personal representative.

E. If a protected person dies, and on reasonable inquiry the conservator is unable to locate any person specified in section 36-831, subsection A, ~~paragraph~~ PARAGRAPHS 1~~, 2 or 3~~ THROUGH 11 willing to assume the duty of burying the body of the decedent or making other funeral and disposition arrangements, the conservator may make reasonable burial or other funeral arrangements, the cost of which is a charge against the estate.

F. The estate of a deceased protected person is liable for any unpaid expenses of the conservator's administration, and such expenses are a lien on property transferred by the conservator to the decedent's personal representative.

Sec. 2. Section 32-1365.02, Arizona Revised Statutes, is amended to read:

32-1365.02. Authorizing agents; consent for cremation, disinterment or embalming; definition

A. Except as provided in section 32-1365.01 and in subsection E of this section, it is unlawful to cremate or disinter a dead human body without prior written consent of the authorizing agent.

B. Except as provided in section 32-1365.01, it is unlawful to embalm a dead human body without prior oral or written consent of the authorizing agent.

C. A funeral establishment shall create a written record of an oral consent given pursuant to this ~~subsection~~ SECTION that includes all of the following:

1. The name of the authorizing agent.
2. The relation of the authorizing agent to the deceased.
3. The date and time that consent was given.
4. The name of the person who obtained the consent.
5. Any other information required by the board.

D. In determining who the proper authorizing agent is, the ~~following~~ order of preference ~~governs:~~ IS THE SAME AS PROVIDED IN SECTION 36-831. IF THERE IS MORE THAN ONE MEMBER IN A CATEGORY LISTED IN SECTION 36-831 ENTITLED TO SERVE AS THE AUTHORIZING AGENT, FINAL ARRANGEMENTS MAY BE MADE BY ANY MEMBER OF THAT CATEGORY UNLESS THAT MEMBER KNOWS OF AN OBJECTION BY ANOTHER MEMBER OF THE CATEGORY. IF AN OBJECTION IS KNOWN, FINAL ARRANGEMENTS SHALL BE MADE BY A MAJORITY OF THE MEMBERS OF THE CATEGORY WHO ARE REASONABLY AVAILABLE.

~~1. The surviving spouse.~~

~~2. A surviving adult child.~~

~~3. A surviving parent.~~

~~4. A surviving adult brother or sister.~~

~~5. For cremation or embalming, any other person or organization that is willing to assume legal and financial responsibility for the cremation or embalming. Preference under this paragraph shall be given in the following order:~~

~~(a) The executor of the decedent's estate.~~

~~(b) The guardian of the decedent at the time of death.~~

E. On the order of a court or a county medical examiner, or a person performing the duties of a county medical examiner, a dead human body shall be disinterred.

F. If none of the persons listed in ~~subsection D~~ SECTION 36-831 is willing or financially capable of providing for the cremation or embalming of a dead human body, the public fiduciary or other person who is designated by the county in which a death occurs to handle funeral arrangements may order the cremation or embalming.

G. A funeral establishment, an employee or agent of a funeral establishment or a licensee shall exercise due diligence to obtain the consent required pursuant to this section from the proper authorizing agent. IT IS AN AFFIRMATIVE DEFENSE TO ANY ACTION OR CLAIM BROUGHT AGAINST A CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT RELATING TO THE DISPOSITION OF A DEAD HUMAN BODY THAT THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT RELIED IN GOOD FAITH ON THE DIRECTION OF A PERSON WHO CLAIMED TO BE THE AUTHORIZING AGENT IN PROVIDING FOR THE LAWFUL DISPOSITION OF A DEAD HUMAN BODY. THE DECISION OF A CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT TO CREMATE OR OTHERWISE PROVIDE FOR THE LAWFUL DISPOSITION OF A DEAD HUMAN BODY IN RELIANCE ON THE DIRECTION OF A PERSON WHO CLAIMS TO BE THE AUTHORIZING AGENT IS PRESUMED TO BE IN GOOD FAITH UNLESS THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT HAS ACTUAL KNOWLEDGE THAT THE CLAIM IS FALSE.

H. IF THE AUTHORIZING AGENT IS NOT REASONABLY AVAILABLE OR UNABLE TO ACT AS THE AUTHORIZING AGENT, THE PERSON'S RIGHT TO BE THE AUTHORIZING AGENT SHALL PASS TO THE NEXT PERSON OR CATEGORY OF PERSONS IN THE ORDER OF PREFERENCE PRESCRIBED IN SECTION 36-831.

I. IT IS PRESUMED THAT THE AUTHORIZING AGENT IS NOT REASONABLY AVAILABLE TO ACT AS AUTHORIZING AGENT IF THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT AFTER EXERCISING DUE DILIGENCE HAS BEEN UNABLE TO CONTACT THE INDIVIDUAL OR IF THAT PERSON HAS BEEN UNWILLING OR UNABLE TO MAKE FINAL ARRANGEMENTS FOR THE DISPOSITION OF THE DECEDENT WITHIN FIFTEEN DAYS AFTER THE INITIAL CONTACT BY THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT. IF A PERSON IN A PRIOR CATEGORY MAKES AN INITIAL CONTACT WITH THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT OR BECOMES ABLE BEFORE THE FINAL DISPOSITION OF THE DECEDENT, THAT PERSON RESUMES THAT PERSON'S RIGHT TO SERVE AS THE AUTHORIZING AGENT.

J. ANY DISPUTE AMONG ANY OF THE PERSONS LISTED IN SECTION 36-831, SUBSECTION A CONCERNING THE RIGHT TO CONTROL THE DISPOSITION, INCLUDING

CREMATION, OF A DECEDENT'S REMAINS SHALL BE RESOLVED BY THE PARTIES TO THE DISPUTE OR BY A COURT OF COMPETENT JURISDICTION IN ORDER TO EXPEDITE THE RESOLUTION OF A DISPUTE AMONG THE PARTIES. A CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT SHALL NOT BE LIABLE FOR REFUSING TO ACCEPT THE DECEDENT'S REMAINS OR INTER, CREMATE OR OTHERWISE DISPOSE OF A DECEDENT'S REMAINS UNTIL IT RECEIVES A COURT ORDER OR OTHER SUITABLE CONFIRMATION THAT THE DISPUTE HAS BEEN RESOLVED OR SETTLED. A CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION IN ORDER TO EXPEDITE THE RESOLUTION OF A DISPUTE AMONG THE PARTIES LISTED IN SECTION 36-831, SUBSECTION A.

K. FOR THE PURPOSES OF THIS SECTION "REASONABLY AVAILABLE" MEANS A PERSON WHO IS ABLE TO BE CONTACTED BY THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT WITHOUT UNDUE EFFORT AND WHO IS WILLING AND ABLE TO ACT WITHIN FIFTEEN DAYS AFTER THE INITIAL CONTACT BY THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT.

Sec. 3. Section 36-327, Arizona Revised Statutes, is amended to read:

36-327. Disinterment-reinterment permit

A. Except as otherwise provided by law, a disinterment-reinterment permit is required before a person disinters human remains. The state registrar shall provide a permit to disinter human remains either by a court order issued in this state or by the written consent of the decedent's family member who has the highest priority. THE ORDER OF PRIORITY IS THE SAME AS PROVIDED IN SECTION 36-831. ~~The priority is as follows:~~

~~1. Spouse of the decedent at the time of death.~~

~~2. All adult offspring.~~

~~3. Parents.~~

~~4. All adult siblings.~~

~~5. Any other family member of legal age.~~

B. A disinterment-reinterment permit is not required if disinterment and reinterment ~~occurs~~ OCCUR in the same cemetery for ordinary relocation or for reasons of internal management of the cemetery.

Sec. 4. Section 36-831, Arizona Revised Statutes, is amended to read:

36-831. Burial duties; notification requirements; failure to perform duty; definitions

A. Except as provided pursuant to subsection ~~G~~ H of this section, the duty of burying the body of or providing other funeral and disposition arrangements for a dead person devolves in the following order:

1. If the dead person was married, on the surviving spouse~~.~~ UNLESS:

(a) THE DEAD PERSON WAS LEGALLY SEPARATED FROM THE PERSON'S SPOUSE.

(b) A PETITION FOR DIVORCE OR FOR LEGAL SEPARATION FROM THE DEAD PERSON'S SPOUSE WAS FILED BEFORE THE PERSON'S DEATH AND REMAINS PENDING AT THE TIME OF DEATH.

2. THE PERSON WHO IS DESIGNATED AS HAVING POWER OF ATTORNEY FOR THE DECEDENT IN THE DECEDENT'S MOST RECENT DURABLE POWER OF ATTORNEY.

~~2.~~ 3. If the dead person was a minor, on the parents.

~~3.~~ 4. ~~If the dead person has no surviving spouse,~~ On the adult children of the dead person.

5. ON THE DEAD PERSON'S PARENT.

6. ON THE DEAD PERSON'S ADULT SIBLING.

7. ON THE DEAD PERSON'S ADULT GRANDCHILD.

8. ON THE DEAD PERSON'S GRANDPARENT.

9. ON AN ADULT WHO EXHIBITED SPECIAL CARE AND CONCERN FOR THE DEAD PERSON.

10. ON THE PERSON WHO WAS ACTING AS THE GUARDIAN OF THE PERSON OF THE DEAD PERSON AT THE TIME OF DEATH.

11. ON ANY OTHER PERSON WHO HAS THE AUTHORITY TO DISPOSE OF THE DEAD PERSON'S BODY.

~~4.~~ 12. If none of the persons named in paragraphs 1~~, 2 and 3~~ THROUGH 10 of this subsection are financially capable of providing for the burial or other funeral and disposition arrangements, or cannot be located on reasonable inquiry, on any person or fraternal, charitable or religious organization willing to assume responsibility.

B. DURING A PERSON'S LIFE, THE PERSON'S FAMILY MEMBERS THAT ARE LISTED IN SUBSECTION A OF THIS SECTION MAY SIGN A WAIVER OF DECISION MAKING THAT WAIVES THEIR RIGHTS UNDER THIS SECTION RELATING TO THE DISPOSITION OF THE PERSON'S BODY WHEN THE PERSON DIES.

~~B.~~ C. If none of the persons named in subsection A of this section is willing or financially able to bury or provide other funeral and disposition arrangements for a dead person, or if the person cannot be located after reasonable efforts have been made to do so, the county in which death occurs shall bury or place in a permanent care crypt the dead body or cremated remains of a dead body. If the decedent is known to be an honorably discharged veteran or the surviving spouse of an honorably discharged veteran, the county shall notify the veterans' administration or a local veteran's organization, or both, of the death and give that organization the opportunity to provide for the person's burial or for other funeral and disposition arrangements. If the organization is unable to provide for the burial of the veteran or the surviving spouse, the county shall ensure that the decedent is properly interred and that burial is made in a veterans' cemetery or a portion of a cemetery that is designated for the burial of veterans and spouses of veterans.

D. IF THERE IS MORE THAN ONE MEMBER OF A CATEGORY LISTED IN SUBSECTION A, PARAGRAPH 3, 4, 5, 6, 7, 8 OR 9 OF THIS SECTION ENTITLED TO SERVE AS THE AUTHORIZING AGENT, FINAL ARRANGEMENTS MAY BE MADE BY ANY MEMBER OF THAT CATEGORY UNLESS THAT MEMBER KNOWS OF ANY OBJECTION BY ANOTHER MEMBER OF THE CATEGORY. IF AN OBJECTION IS KNOWN, FINAL ARRANGEMENTS SHALL BE MADE BY A MAJORITY OF THE MEMBERS OF THE CATEGORY WHO ARE REASONABLY AVAILABLE.

~~C.~~ E. If the county medical examiner or person performing the duties of the county medical examiner knows that the dead person is a member of a federally recognized Native American tribe located in this state, the county

medical examiner or person performing the duties of the county medical examiner must notify the tribe and give the tribe the opportunity to provide for the person's burial or other funeral and disposition arrangements. If an autopsy is required by section 11-597, the county medical examiner or person performing the duties of the county medical examiner, if possible, shall complete the autopsy and return the remains to the federally recognized Native American tribe located in this state within four calendar days after the determined date of death.

~~D.~~ F. A person on whom the duty prescribed in subsection A of this section is imposed who omits or is unwilling to perform that duty within a reasonable time or is prohibited from performing that duty under subsection G of this section is liable to the person performing the duty in an amount of two times the expenses the person incurred in providing for the burial or other funeral and disposition arrangements. The person who performs this duty may recover this amount in a civil action.

~~E.~~ G. Notwithstanding the probate requirements of title 14, if a county is required to bury a person pursuant to subsection B of this section, the county may recover the burial costs from the decedent's estate. A financial institution in possession of monies in an account in the decedent's name must reimburse the county for the burial costs on presentation by the county of an affidavit that certifies:

1. The date of the decedent's death.

2. That, pursuant to this section, the county performed the decedent's burial.

3. The total burial costs incurred by the county.

~~F.~~ H. A person, a corporation or an agency of government that provides for the burial or other funeral and disposition arrangements on the instructions of a person described in subsection A of this section is immune from civil liability:

1. For failing to honor the wishes of the decedent or the wishes of a person having a higher priority in subsection A or B of this section if the person, corporation or agency of government was not aware, after reasonable inquiry, of the contrary wishes.

2. For refusing to follow conflicting directions of persons having the same priority in subsection A of this section.

3. For following directions of a personal representative that are consistent with the written testamentary instructions of the decedent.

~~G.~~ I. The duty to bury or to provide other funeral and disposition arrangements devolves to the next person in the order prescribed pursuant to subsection A of this section if the person who is otherwise responsible for performing this duty is charged with the criminal death of the person to whom the duty is owed. The person who performs this duty may recover costs as prescribed in subsection ~~D~~ E of this section. If the charges against the person on whom this duty originally fell are subsequently dismissed or are

resolved in that person's favor on the merits, the person is responsible for only the actual costs.

~~H.~~ J. For the purposes of this section, "person" includes a natural person, a corporation, a company, a partnership, a firm, an association, a society, the United States, this state, any territory, state or country, an Arizona federally recognized Native American tribe, any political subdivision of this state or a public or private corporation or partnership or association.

~~I.~~ K. For the purposes of this article, "burial" includes cremation.

Sec. 5. Section 36-3221, Arizona Revised Statutes, is amended to read:

36-3221. Health care power of attorney; scope; requirements; limitations

A. A person who is an adult may designate another adult individual or other adult individuals to make health care decisions on that person's behalf OR TO PROVIDE FUNERAL AND DISPOSITION ARRANGEMENTS IN THE EVENT OF THE PERSON'S DEATH by executing a written health care power of attorney that meets all of the following requirements:

1. Contains language that clearly indicates that the person intends to create a health care power of attorney.

2. Except as provided under subsection B, is dated and signed or marked by the person who is the subject of the health care power of attorney.

3. Is notarized or is witnessed in writing by at least one adult who affirms that the notary or witness was present when the person dated and signed or marked the health care power of attorney, except as provided under subsection B, and that the person appeared to be of sound mind and free from duress at the time of execution of the health care power of attorney.

B. If a person is physically unable to sign or mark a health care power of attorney, the notary or each witness shall verify on the document that the person directly indicated to the notary or witness that the power of attorney expressed the person's wishes and that the person intended to adopt the power of attorney at that time.

C. A notary or witness shall not be any of the following:

1. A person designated to make medical decisions on the principal's behalf.

2. A person directly involved with the provision of health care to the principal at the time the health care power of attorney is executed.

D. If a health care power of attorney is witnessed by only one person, that person may not be related to the principal by blood, marriage or adoption and may not be entitled to any part of the principal's estate by will or by operation of law at the time that the power of attorney is executed.

Sec. 6. Section 36-3224, Arizona Revised Statutes, is amended to read:

36-3224. Sample health care power of attorney

Any writing that meets the requirements of section 36-3221 may be used to create a health care power of attorney. The following form is offered as

a sample only and does not prevent a person from using other language or another form:

1. Health Care Power of Attorney

I, _____, as principal, designate _____ as my agent for all matters relating to my health care, including, without limitation, full power to give or refuse consent to all medical, surgical, hospital and related health care. This power of attorney is effective on my inability to make or communicate health care decisions. All of my agent's actions under this power during any period when I am unable to make or communicate health care decisions or when there is uncertainty whether I am dead or alive have the same effect on my heirs, devisees and personal representatives as if I were alive, competent and acting for myself.

If my agent is unwilling or unable to serve or continue to serve, I hereby appoint _____ as my agent.

I have _____ I have not _____ completed and attached a living will for purposes of providing specific direction to my agent in situations that may occur during any period when I am unable to make or communicate health care decisions or after my death. My agent is directed to implement those choices I have initialed in the living will.

I have _____ I have not _____ completed a prehospital medical care directive pursuant to section 36-3251, Arizona Revised Statutes.

This health care directive is made under section 36-3221, Arizona Revised Statutes, and continues in effect for all who may rely on it except those to whom I have given notice of its revocation.

_____
Signature of Principal

Witness: _____ Date: _____
_____ Time: _____
Address: _____ _____
_____ _____
Address of Agent

Witness: _____ _____
_____ Telephone of Agent
Address: _____
_____

(Note: This document may be notarized instead of being witnessed.)

2. Autopsy (under Arizona law an autopsy may be required)

If you wish to do so, reflect your desires below:

_____ 1. I do not consent to an autopsy.

_____ 2. I consent to an autopsy.

_____ 3. My agent may give consent to or refuse an autopsy.

3. Organ Donation (Optional)

(Under Arizona law, you may make a gift of all or part of your body to a bank or storage facility or a hospital, physician or medical or dental school for transplantation, therapy, medical or dental evaluation or research or for the advancement of medical or dental science. You may also authorize your agent to do so or a member of your family may make a gift unless you give them notice that you do not want a gift made. In the space below you may make a gift yourself or state that you do not want to make a gift. If you do not complete this section, your agent will have the authority to make a gift of a part of your body pursuant to law. Note: The donation elections you make in this health care power of attorney survive your death.)

If any of the statements below reflects your desire, initial on the line next to that statement. You do not have to initial any of the statements.

If you do not check any of the statements, your agent and your family will have the authority to make a gift of all or part of your body under Arizona law.

_____ I do not want to make an organ or tissue donation and I do not want my agent or family to do so.

_____ I have already signed a written agreement or donor card regarding organ and tissue donation with the following individual or institution: _____

_____ Pursuant to Arizona law, I hereby give, effective on my death:

[] Any needed organ or parts.

[] The following part or organs listed:

_____

_____

_____

for (check one):

[] Any legally authorized purpose.

[] Transplant or therapeutic purposes only.

4. Physician Affidavit (optional)

(Before initialing any choices above you may wish to ask questions of your physician regarding a particular treatment alternative. If you do speak with your physician it is a good idea to ask your physician to complete this affidavit and keep a copy for his file.)

I, Dr. _____ have reviewed this guidance document and have discussed with _____ any questions regarding the probable medical consequences of the treatment choices provided above. This discussion with the principal occurred on _____.
(date)

I have agreed to comply with the provisions of this directive.

_____
Signature of Physician

5. Living Will (Optional. Section 36-3262, Arizona Revised Statutes, has a sample living will.)

6. FUNERAL AND BURIAL DISPOSITION (OPTIONAL)

MY AGENT HAS AUTHORITY TO CARRY OUT ALL MATTERS RELATING TO MY FUNERAL AND BURIAL DISPOSITION WISHES IN ACCORDANCE WITH THIS POWER OF ATTORNEY, WHICH IS EFFECTIVE UPON MY DEATH.

MY WISHES ARE REFLECTED BELOW:

_____ UPON MY DEATH, I DIRECT MY BODY TO BE BURIED. (AS OPPOSED TO CREMATED)

_____ UPON MY DEATH, I DIRECT MY BODY TO BE BURIED IN _____. (OPTIONAL DIRECTIVE)

_____ UPON MY DEATH, I DIRECT MY BODY TO BE CREMATED.

_____ UPON MY DEATH, I DIRECT MY BODY TO BE CREMATED, WITH MY ASHES TO BE_____. (OPTIONAL DIRECTIVE)

_____ MY AGENT MAY MAKE ALL FUNERAL AND BURIAL DISPOSITION DECISIONS. (OPTIONAL DIRECTIVE)

APPROVED BY THE GOVERNOR APRIL 18, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2007.

Passed the House April 2, 2007,

by the following vote: 49 Ayes,

5 Nays, 6 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate February 12, 2007,

by the following vote: 25 Ayes,

3 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1023

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 12, **20** 07

by the following vote: 27 **Ayes,**

0 **Nays,** 3 **Not Voting**

Timothy S. Bee
President of the Senate

Charmion B. Dington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

10th **day of** April, **20** 07

at 11:41 **o'clock** a. **M.**

Jennifer Ybarra
Secretary to the Governor

Approved this 18 **day of**

April

at 2 **o'clock** P. **M.**

[signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18 **day of** April, **20** 07

at 3:33 **o'clock** p. **M.**

Janice K. Brewer
Secretary of State

S.B. 1023