

AN ACT

ENTITLED, An Act to allow for the cremation of deceased persons who are indigent and the funeral expenses are the financial responsibility of the county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 28-17-1 be amended to read as follows:

28-17-1. If any person dies within any county, who does not have money or means necessary to defray the funeral expenses, and whose relatives or friends are unable or unwilling to defray the expenses, the county commissioners shall employ a funeral director to provide for and superintend the burial or cremation of the deceased person.

Section 2. That § 28-17-2 be amended to read as follows:

28-17-2. If any person who is destitute and has no estate dies within the state, and who has no one legally bound for funeral expenses, and where there is no other source to pay the cost of burial or cremation expense, the funeral expenses shall be borne by the county in which the deceased was a resident at time of death. If no residence can be determined for the deceased person, the funeral expenses shall be borne by the county in which death occurred.

Section 3. That § 28-17-3 be amended to read as follows:

28-17-3. The selection of a funeral director may be made by the tribe or next of kin, if any, otherwise by the board of county commissioners. The determination whether the decedent is buried or cremated may be made by the tribe or next of kin, if any, otherwise by the board of county commissioners. In no case may the county commissioners advertise for bids on burial or cremation of indigent poor.

Section 4. That § 28-17-4 be amended to read as follows:

28-17-4. On county burials, the funeral director in charge shall furnish a casket and outside container and conduct the funeral services. On county cremations, the funeral director in charge shall

furnish an urn or container and conduct the funeral services. The county shall allow the funeral director for merchandise and services rendered, a sum to be established by resolution of the board of county commissioners at the annual organizational meeting.

Section 5. That § 28-17-5 be amended to read as follows:

28-17-5. In addition to the burial and cremation expenses provided in § 28-17-4, the county commissioners may contract with cemeteries within the state for burial space in a cemetery and the opening and closing of the grave.

Section 6. That § 28-17-6 be amended to read as follows:

28-17-6. The necessary and reasonable expenses of burial or cremation under this chapter shall be paid by the county treasurer, upon the order of the commissioners. If the decedent had an established residency according to § 28-13-3 in a county in this state different from that in which the decedent died, the county paying the funeral expenses shall be reimbursed by the county in which the decedent had an established residency. If the decedent was an honorably discharged United States soldier, sailor, marine, or aviator, the funeral shall be conducted and expenses paid as provided in chapter 33A-5.

An Act to allow for the cremation of deceased persons who are indigent and the funeral expenses are the financial responsibility of the county.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1066

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1066  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State