

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

267U0007

HOUSE BILL NO. 1125

Introduced by: Representative Hoffman and Senator Novstrup (A1)

1 FOR AN ACT ENTITLED, An Act to allow perpetual care and maintenance guarantee funds
2 for cemeteries to be administered by cemetery corporations.

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

4 Section 1. That § 55-12-7 be amended to read as follows:

5 55-12-7. The perpetual care and maintenance guarantee fund shall be permanently set aside
6 in trust ~~to be administered under the jurisdiction of.~~ If any member of a cemetery corporation
7 established pursuant to § 47-29-3 petitions the circuit court for the county wherein the cemetery
8 is located and the circuit court finds good cause therefore, the perpetual care and maintenance
9 guarantee fund shall be administered under the jurisdiction of the circuit court for three
10 consecutive calendar years. The circuit court ~~so having jurisdiction shall,~~ upon such finding,
11 have full jurisdiction over the approval of trustees, reports and accounting of trustees, amount
12 of surety bond required, and investment of funds as provided by the rules of court relating to the
13 administration of trust estates. After the perpetual care and maintenance guarantee fund has been
14 administered by the circuit court for three consecutive calendar years, the trustees may petition
15 for the termination of circuit court administration, which shall be granted unless the circuit court



1 finds good cause for continuing its administration of the fund. Any member of a cemetery
2 corporation has a right to petition for circuit court administration of the fund as provided in this
3 section.