

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

708T0307

SENATE ENGROSSED NO. **HB 1066** - 2/22/2012

Introduced by: Representatives Deelstra, Abdallah, Blake, Bolin, Conzet, Dennert, Elliott, Gibson, Gosch, Haggar, Hansen (Jon), Hickey, Hoffman, Hubbel, Hunt, Killer, Kirkeby, Liss, Lucas, Miller, Moser, Nelson (Stace), Scott, Sly, Solum, Street, Stricherz, Tornow, Vanneman, Wick, and Willadsen and Senators Hunhoff (Jean), Bradford, Brown, Buhl, Juhnke, Peters, Rave, Schlekeway, and Sutton

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

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

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

5 28-17-1. If any person ~~shall die~~ dies within any county, who ~~shall~~ does not have money or
6 means necessary to defray ~~his~~ the funeral expenses, and whose relatives or friends are unable
7 or unwilling to defray the ~~same, it shall be the duty of~~ expenses, the county commissioners ~~to~~
8 shall employ a ~~person~~ funeral director to provide for and superintend the burial or cremation of
9 ~~such~~ the deceased person.

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

11 28-17-2. ~~Whenever~~ If any person who is destitute and has no estate ~~shall die~~ dies within the
12 state, and who has no one legally bound for funeral expenses, and where there is no other source
13 to pay the cost of burial or cremation expense, the funeral expenses shall ~~then~~ be borne by the



1 county in which the deceased was a resident at time of death, ~~and if.~~ If no residence can be
2 ~~fixed, then~~ determined for the deceased person, the funeral expenses shall be borne by the
3 county in which death occurred.

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

5 28-17-3. The selection of a funeral director ~~shall~~ may be made by the tribe or next of kin,
6 if any, otherwise by the ~~county commissioner in whose district death occurred~~ board of county
7 commissioners. The determination whether the decedent is buried or cremated may be made by
8 the tribe or next of kin, if any, otherwise by the board of county commissioners. In no case ~~shall~~
9 may the county commissioners advertise for bids on burial or cremation of indigent poor.

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

11 28-17-4. On county burials, the funeral director in charge shall furnish a casket and outside
12 container and conduct the funeral services ~~in customary form, and the.~~ On county cremations,
13 the funeral director in charge shall furnish an urn or container and conduct the funeral services.
14 The county shall allow the funeral director for merchandise and ~~such~~ services rendered, a sum
15 to be established by resolution of the board of county commissioners ~~in such county at their~~ at
16 the annual organizational meeting.

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

18 28-17-5. In addition to the burial and cremation expenses provided in § 28-17-4, the county
19 commissioners may contract with cemeteries within the state for burial space in a cemetery and
20 the opening and closing of the grave.

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

22 28-17-6. The necessary and reasonable expenses of burial or cremation under this chapter
23 shall be paid by the county treasurer, upon the order of ~~such~~ the commissioners; ~~and if.~~ If the
24 decedent ~~shall have~~ had an established residency according to § 28-13-3 in a county in this state

1 different from that in which ~~he~~ the decedent died, the county paying ~~such~~ the funeral expenses
2 shall be reimbursed by the county in which the decedent had an established residency. ~~When the~~
3 ~~person so dying shall be~~ If the decedent was an honorably discharged United States soldier,
4 sailor, marine, or aviator, the funeral shall be conducted and expenses paid as provided in
5 chapter 33A-5.