

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

805B0746

## HOUSE ENGROSSED NO. **HB1313** - 2/12/98

Introduced by: Representatives Hunt and Brooks and Senator Munson (David)

1 FOR AN ACT ENTITLED, An Act to allow an owner, operator, or manager of a cemetery to  
2 apply for a disinterment permit.

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

4 Section 1. That § 34-25-38.1 be amended to read as follows:

5 34-25-38.1. A disinterment permit shall be issued by the Department of Health upon receipt  
6 of a written application, which contains a signature of next of kin, from a person licensed by the  
7 state board of funeral service or from an owner, operator, or manager of a cemetery or upon  
8 receipt of an order of a court of competent jurisdiction directing the disinterment. The  
9 disinterment permit shall become effective as provided in this section. Unless the disinterment  
10 permit was issued as the result of a court order, the Department of Health shall, upon issuance  
11 of the disinterment permit, notify the affected cemetery board of directors appointed pursuant  
12 to § 7-26-7 or 9-12-18 or the board of county commissioners of the county in which the  
13 disinterment is to occur on the issuance of the permit. The cemetery board of directors or the  
14 board of county commissioners may request the circuit court to prevent the disinterment. The  
15 disinterment permit shall take effect within fifteen days after its issuance unless the circuit court

1 has ordered otherwise. The disinterment permit authorizes disinterment, transportation, and  
2 reinterment of a dead body or fetus. Authorities in charge of a cemetery may not transfer bodies  
3 buried in one part of the cemetery to another part without the authority of a disinterment permit.

1 **BILL HISTORY**

2 1/26/98 First read in House and referred to Health and Human Services. H.J. 231

3 2/4/98 Scheduled for Committee hearing on this date.

4 2/4/98 Health and Human Services Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 380

5 2/6/98 House of Representatives Do Pass Amended, Failed, AYES 31, NAYS 32. H.J. 440

6 2/6/98 Intent to reconsider. H.J. 440

7 2/9/98 House of Representatives Reconsidered, AYES 54, NAYS 13. H.J. 473

8 2/9/98 House of Representatives Deferred to another day. H.J. 488

9 2/10/98 House of Representatives Deferred to another day. H.J. 532

10 2/11/98 Motion to Amend, Passed. H.J. 587

11 2/11/98 House of Representatives Do Pass Amended, Passed, AYES 64, NAYS 5. H.J. 587