

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

805B0746

## HOUSE BILL NO. 1313

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

1 FOR AN ACT ENTITLED, An Act to authorize the transfer of bodies buried in one part of a  
2 cemetery to another part without 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 from a person licensed by the state board of funeral service or upon  
7 receipt of an order of a court of competent jurisdiction directing the disinterment. The  
8 disinterment permit shall become effective as provided in this section. Unless the disinterment  
9 permit was issued as the result of a court order, the Department of Health shall, upon issuance  
10 of the disinterment permit, notify the affected cemetery board of directors appointed pursuant  
11 to § 7-26-7 or 9-12-18 or the board of county commissioners of the county in which the  
12 disinterment is to occur on the issuance of the permit. The cemetery board of directors or the  
13 board of county commissioners may request the circuit court to prevent the disinterment. The  
14 disinterment permit shall take effect within fifteen days after its issuance unless the circuit court  
15 has ordered otherwise. The disinterment permit authorizes disinterment, transportation, and  
16 reinterment of a dead body or fetus. Authorities in charge of a cemetery may ~~not~~ transfer bodies

1 buried in one part of the cemetery to another part without the authority of a disinterment permit.