

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0325

SENATE BILL NO. 22

Introduced by: The Committee on Health and Human Services at the request of the Department of Health

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to vital records.

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

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

4 34-25-1. The ~~state~~ department of health shall ~~have charge of~~ administer the registration of
5 births, deaths, fetal deaths, burials, marriages, and divorces. For the purpose of implementing the
6 system of vital registration, the department may promulgate rules pursuant to chapter 1-26. The
7 department may adopt rules to:

8 (1) Define the term, court of competent jurisdiction, as used in this chapter;

9 (2) Establish procedures for processing paternity affidavits and court determinations of
10 paternity; and

11 (3) Establish procedures for amending birth and death certificates.

12 Section 2. That § 34-25-15 be amended to read as follows:

13 34-25-15. In cases of legitimation, the department, upon receipt of proof of the marriage of
14 the parents after the birth of the child together with an affidavit of paternity signed by both
15 parents of the child, shall prepare a new certificate of birth in the new name of the legitimated
16 child.

1 Within ten days after the filing of an affidavit of acknowledgment of paternity, signed by both
2 putative parents who are not married, the department shall add the name of the father to the
3 certificate of birth if paternity is not shown on the record. Upon request of the parents, the
4 surname of the child may be changed to that of the father or a combination of mother's and
5 father's surnames, in which case the department shall prepare a new birth certificate. A change
6 in paternity, which is already shown on a birth certificate, may be made only upon receipt of a
7 court order determining paternity.

8 Upon receipt of a court order or affidavits determining the paternity of a child pursuant to
9 § 34- 25-13.1, the department shall prepare a new certificate of birth. Each applicant for a new
10 birth record shall submit a five dollar fee to the department for the preparation and filing of the
11 record.

12 Section 3. That § 34-25-36 be amended to read as follows:

13 34-25-36. A funeral director, embalmer, or other person who removes from the place of
14 death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate
15 or other form required by this chapter, shall keep a record which shall identify the body, and shall
16 on or before the fifth day of each month report to the ~~state department of health~~ all human bodies
17 handled during the preceding month on a form provided for that purpose. If no death occurs in
18 any given month which requires a funeral director to keep a record pursuant to this section, the
19 funeral director shall report that fact on a form provided for that purpose.

20 Section 4. That § 34-25-43 be amended to read as follows:

21 34-25-43. The ~~state department of health~~ shall prepare, print, and supply to all registrars, all
22 blanks and forms used in registering, recording, and preserving the reports and returns, or in
23 otherwise carrying out the purposes of this chapter. No blanks or forms ~~shall~~ may be used other
24 than those supplied by the ~~state department of health~~ or exact electronic replicas approved by
25 the department.

1 Section 5. That § 34-25-46 be amended to read as follows:

2 34-25-46. The local registrar shall sign, date, and number consecutively the certificates of
3 ~~birth, death, and burial or removal permits filed in his office, and sign thereon his name as~~
4 ~~registrar, together with the date of filing in his office. He shall make a copy of each birth and~~
5 ~~death certificate filed by him, in the form prescribed by the state department of health. He at the~~
6 county office. The local registrar shall transmit weekly to the state department monthly or more
7 frequently when directed to do so, the original certificates of birth and death and shall maintain
8 a copy of all death certificates filed in the county. If no vital event occurred death certificates
9 were filed in any month, he week, the local registrar shall report that fact on a form provided for
10 that purpose.