

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

637L0292

SENATE BILL NO. 151

Introduced by: Senators Hanson (Gary), Abdallah, Broderick, Duenwald, Gant, Greenfield, Hundstad, Koskan, Lintz, Moore, Peterson (Jim), and Sutton (Dan) and Representatives Sigdestad, Dennert, Dykstra, Garnos, Glover, Halverson, Hargens, Hennies, Klaudt, Rhoden, Thompson, and Valandra

1 FOR AN ACT ENTITLED, An Act to permit the cremation and inurnment of indigents in lieu
2 of burial and to revise and clarify certain provisions regarding indigent funeral expenses.

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 the money
6 or 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~~ funeral expenses, the county
8 commissioners ~~to~~ shall employ a person to provide for and superintend the burial or cremation
9 and inurnment of such deceased person.

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

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



1 death, ~~and if.~~ If no residence can be fixed, then by the county in which death occurred shall bear
2 the funeral expenses.

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

4 28-17-3. The selection of a funeral director shall be made by the next of kin, if any,
5 otherwise by the county commissioner in whose district the death occurred. In no case ~~shall~~ may
6 the county commissioners advertise for bids on burial of indigent poor. However, in the case
7 of selection of a funeral director by the next of kin, the county is not bound to bear any unusual,
8 extraordinary, or unnecessary funeral expense.

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

10 28-17-4. On county burials, the funeral director in charge shall furnish casket and outside
11 container or, in the case of cremation, urn and conduct the funeral services in customary form;
12 ~~and the.~~ The county shall allow the funeral director for merchandise and such services rendered,
13 a sum to be established by resolution of the board of county commissioners in such county at
14 their organizational meeting.

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

16 28-17-5. In addition to the burial expenses provided in § 28-17-4, the county commissioners
17 may contract with cemeteries within the state for burial space in a cemetery and the opening and
18 closing of the grave or may contract for an appropriate disposition of the cremated remains.

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

20 28-17-6. The necessary and reasonable expenses of burial under this chapter shall be paid
21 by the county treasurer, upon the order of such commissioners; ~~and if.~~ If the decedent ~~shall have~~
22 had an established residency according to § 28-13-3 in a county in this state different from that
23 in which ~~he died~~ the death occurred, the county paying ~~such~~ the funeral expenses shall be
24 reimbursed by the county in which the decedent had an established residency. ~~When the person~~

1 ~~so dying shall be~~ If the decedent was an honorably discharged United States soldier, sailor,
2 marine, or aviator, the funeral shall be conducted and expenses paid as provided in chapter 33-
3 19.