

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

SENATE BILL NO. 2443
(Senators O'Connell, Kroeplin, Schobinger)
(Representatives Hunskor, S. Kelsh, Kerzman)

AN ACT to amend and reenact sections 23-06-03 and 43-10.1-02 of the North Dakota Century Code, relating to pre-need funeral service contracts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-06-03 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-06-03. Duty of burial.

1. The duty of burying the body of a deceased person devolves upon ~~the following persons:~~
1. ~~If the deceased was married, upon the surviving husband or wife:~~
2. ~~If if the deceased was married or, if the deceased was not married but left kindred, upon the person or persons in the same degree, of adult age, nearest of kin to the deceased and possessed of sufficient means to defray the necessary expenses.~~
3. 2. If the person who has the duty of burial does not bury the body within the time required by this chapter, the person next specified shall bury the body.
4. 3. If the deceased is not survived by a person described by subsection 1 ~~or 2~~ and did not leave sufficient means to defray funeral expenses, including the cost of a casket, the county social service board of the county in which the deceased had residence for county general assistance purposes or, if residence cannot be established, ~~then~~ the county social service board of the county in which the death occurs; shall employ some person to arrange for and supervise the burial or cremation. If the deceased was a resident or inmate of a public institution, the county in which the deceased was a resident for county general assistance purposes immediately before entering the institution shall employ a person to arrange for and supervise the burial or cremation. Each board of county commissioners may negotiate with the interested funeral directors or funeral homes regarding cremation expenses and burial expenses; but the total charges for burial services, including transportation of the deceased to the place of burial, the grave box or vault, grave space, and grave opening and closing expenses, may not be less than one thousand five hundred dollars. The county social service board shall pay the charge for funeral expenses as negotiated by the board of county commissioners, less any amount left by the deceased to defray the expenses.
4. A person with the duty of burial under this section, or the personal representative of the decedent's estate, if any, shall honor, to the extent reasonable and possible, any pre-need funeral arrangements a deceased articulated and funded in a pre-need funeral service contract.

SECTION 2. AMENDMENT. Section 43-10.1-02 of the North Dakota Century Code is amended and reenacted as follows:

43-10.1-02. Pre-need funeral service contracts. ~~No~~ A person may not engage in the sale or execution of a pre-need funeral service contract unless ~~such that~~ person is the operator, agent, employee, or manager of a licensed funeral establishment, ~~a or cemetery association, or an agent or employee of such operator, manager, establishment, or association.~~ As part of the sale of a pre-need

funeral service contract, the seller shall inform the purchaser of the extent to which the person with the duty of burial under section 23-06-03 might be bound by any pre-need funeral arrangements.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2443.

Senate Vote: Yeas 47 Nays 0 Absent 2

House Vote: Yeas 94 Nays 0 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at _____ o'clock _____ M.

Secretary of State