

SENATE BILL NO. 2170

Introduced by

Senators Nething, Wanzek

1 A BILL for an Act to amend and reenact section 23-06-03 of the North Dakota Century Code,
2 relating to the duty of counties to bury deceased residents or inmates of public institutions.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-06-03 of the 1995 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **23-06-03. Duty of burial.** The duty of burying the body of a deceased person devolves
7 upon the following persons:

- 8 1. If the deceased was married, upon the surviving husband or wife.
- 9 2. If the deceased was not married but left kindred, upon the person or persons in the
10 same degree, of adult age, nearest of kin to the deceased and possessed of
11 sufficient means to defray the necessary expenses.
- 12 3. If the person who has the duty of burial does not bury the body within the time
13 required by this chapter, the person next specified shall bury the body.
- 14 4. If the deceased is not survived by a person described by subsection 1 or 2 and did
15 not leave sufficient means to defray funeral expenses, including the cost of a
16 casket, the county social service board of the county in which the deceased had
17 residence for county general assistance purposes or if residence cannot be
18 established, then the county social service board of the county in which the death
19 occurs, shall employ some person to arrange for and supervise the burial or
20 cremation. If the deceased was a resident or inmate of a public institution, the
21 county in which the deceased was a resident for county general assistance
22 purposes immediately before entering the institution shall employ a person to
23 arrange for and supervise the burial or cremation. Each board of county
24 commissioners may negotiate with the interested funeral directors or funeral

1 homes regarding cremation expenses and burial expenses, but the total charges
2 for burial services, including transportation of the deceased to the place of burial,
3 the grave box or vault, grave space, and grave opening and closing expenses, may
4 not be less than one thousand five hundred dollars. The county social service
5 board shall pay the charge for funeral expenses as negotiated by the board of
6 county commissioners, less any amount left by the deceased to defray the
7 expenses.