

On page 1, line 15, of the Senate Commerce and Energy Engrossed bill, delete " section" and insert " sections 1 and"

On page 1, line 15, of the Senate Commerce and Energy Engrossed bill, after "the" insert " duty to bury, find a grave for, and provide the grave of the deceased person with a permanent concrete, metal anchored in concrete, or stone marker, and the"

On page 2, line 25, of the Senate Commerce and Energy Engrossed bill, after "appointed;

(9) The " insert "person named as "

On page 2, line 25, of the Senate Commerce and Energy Engrossed bill, delete " of the estate" and insert " in the last will and testament"

On page 3, line 5, of the Senate Commerce and Energy Engrossed bill, after "right" insert " and duty"

On page 3, line 5, of the Senate Commerce and Energy Engrossed bill, after "right" insert " and that duty"

On page 3, line 6, of the Senate Commerce and Energy Engrossed bill, after "right" insert " and duty"

On page 3, line 14, of the Senate Commerce and Energy Engrossed bill, delete " decedent's death" and insert " the date of possession of the decedent's remains by a funeral home"

On page 6, after line 5, of the Senate Commerce and Energy Engrossed bill, insert: "

**Section 8. That § 34-26-1 be AMENDED:**

**34-26-1.** Every person has the right to direct the manner in which his body or any part thereof shall be disposed of after his death, and to direct the manner in which any part of his body which becomes separated therefrom during his lifetime shall be disposed of. The provisions of §§ 34-26-4 to 34-26-7, inclusive, of sections 2 to 7, inclusive, of this Act, and of ~~§§ 34-26-14 34-26-17~~ to 34-26-19, inclusive, do not apply where such person has given directions for the disposal of his body or any part thereof inconsistent with those provisions."

On page 6, after line 5, of the Senate Commerce and Energy Engrossed bill, insert: "

**Section 9. That § 34-26-17 be AMENDED:**

**34-26-17.** In case the person upon whom the right and duty of burial is first cast by the provisions of ~~§ 34-26-16 omits to section 2 of this Act does not~~ make such the burial within a reasonable time, the duty devolves upon the person next specified; and if all omit to act it devolves upon ~~the tenant, or if there is no tenant upon the owner of the premises or master, or if there is no master upon the owner of the vessel in which the death occurs or the body is found;~~ and if all of these omit to act it devolves upon the county of the legal

residence of the deceased, and if no such residence is known, then upon the county where the body is first found ~~dead~~, and in all such cases the ~~said county shall have~~ has a legal preferred claim against the estate of the decedent for the actual expense incurred."

On page 6, after line 5, of the Senate Commerce and Energy Engrossed bill, insert: "

**Section 10. That § 34-26A-2 be AMENDED:**

**34-26A-2.** The authorizing agent is any person according to the priority established in ~~§ 34-26-16~~ section 2 of this Act legally entitled to order the cremation of human remains ~~including a spouse, a parent, a child, or a close relative of the deceased, or in the absence of any of these, a friend of the deceased.~~ For an indigent or any other individual whose final disposition is the responsibility of the state, a public official charged with arranging the final disposition of the deceased may serve as the authorizing agent. For an individual who has donated his body to science, or whose death occurred in a private institution, and in which the institution is charged with making arrangements for the final disposition of the deceased, a representative of the institution may serve as the authorizing agent."

On page 6, after line 5, of the Senate Commerce and Energy Engrossed bill, insert: "

**Section 11. That § 55-11-1 be AMENDED:**

**55-11-1.** Before a person's death, ~~he~~ the person or someone on ~~his~~ the person's behalf may direct the location, manner, and conditions of disposition of the person's remains, and the arrangements for funeral goods and services to be provided upon the person's death, and contract with another person for the purchase or rental of personal property or professional services for the final disposition of ~~his~~ the person's body. At least eighty-five percent of all money paid under the contract ~~shall~~ must be held in a revocable or an irrevocable trust, at the purchaser's option. The money ~~shall~~ must be held in trust until the obligation of the contract is fulfilled according to its terms or, if a revocable trust, the money is refunded to the person who made the payments."

On page 6, after line 5, of the Senate Commerce and Energy Engrossed bill, insert: "

**Section 12. That § 34-26-16 be REPEALED:**

~~The duty of burying the body of a deceased person and providing the grave with a permanent concrete, metal anchored in concrete, or stone marker devolves upon the persons hereinafter specified:~~

- ~~(1) — If the decedent was married the duty of burial devolves upon the husband or wife;~~
- ~~(2) — If the decedent was not married but left any kindred, the duty of burial devolves upon the person or persons in the same degree nearest of kin to the decedent, being of adult age, and within this state and possessed of sufficient means to defray the necessary expenses;~~
- ~~(3) — If the decedent left no husband or wife nor kindred answering the foregoing description, the duty of burial devolves upon the coroner conducting an inquest upon the body of the decedent, if any such inquest is held; if none, then upon the person charged with the support of the poor in the locality in which the death occurs."~~