

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0325

SENATE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **SB22** -  
1/19/99

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 § 34-25-15 be amended to read as follows:

4 34-25-15. In cases of legitimation, the department, upon receipt of proof of the marriage of  
5 the parents after the birth of the child together with an affidavit of paternity signed by both  
6 parents of the child, shall prepare a new certificate of birth in the new name of the legitimated  
7 child.

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

15 Upon receipt of a court order or affidavits determining the paternity of a child pursuant to

1 § 34-25-13.1, the department shall prepare a new certificate of birth. Each applicant for a new  
2 birth record shall submit a five dollar fee to the department for the preparation and filing of the  
3 record.

4 Section 2. That § 34-25-36 be amended to read as follows:

5 34-25-36. A funeral director, embalmer, or other person who removes from the place of  
6 death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate  
7 or other form required by this chapter, shall keep a record which shall identify the body, and shall  
8 on or before the fifth day of each month report to the ~~state department of health~~ all human bodies  
9 handled during the preceding month on a form provided for that purpose. If no death occurs in  
10 any given month which requires a funeral director to keep a record pursuant to this section, the  
11 funeral director shall report that fact on a form provided for that purpose.

12 Section 3. That § 34-25-43 be amended to read as follows:

13 34-25-43. The ~~state department of health~~ shall prepare, print, and supply to all registrars, all  
14 blanks and forms used in registering, recording, and preserving the reports and returns, or in  
15 otherwise carrying out the purposes of this chapter. No blanks or forms ~~shall~~ may be used other  
16 than those supplied by the ~~state department of health~~ or exact electronic replicas approved by  
17 the department.

18 Section 4. That § 34-25-46 be amended to read as follows:

19 34-25-46. The local registrar shall sign, date, and number consecutively the certificates of  
20 ~~birth, death, and burial or removal permits filed in his office, and sign thereon his name as~~  
21 ~~registrar, together with the date of filing in his office. He shall make a copy of each birth and~~  
22 ~~death certificate filed by him, in the form prescribed by the state department of health. He~~ at the  
23 county office. The local registrar shall transmit weekly to the state department monthly or more  
24 frequently when directed to do so, the original certificates of birth and death and shall maintain  
25 a copy of all death certificates filed in the county. If no vital event occurred death certificates

- 1 were filed in any ~~month, he~~ week, the local registrar shall report that fact on a form provided for
- 2 that purpose.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Health and Human Services. S.J. 19

3 1/16/99 Scheduled for Committee hearing on this date.

4 1/16/99 Health and Human Services Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 61