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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE NO. **2826**

February 11, 2010

Authored by Haws

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act  
1.2 relating to burials; including adult children with financial means in requirement  
1.3 to pay funeral expense; amending Minnesota Statutes 2009 Supplement, section  
1.4 261.035.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2009 Supplement, section 261.035, is amended to read:

1.7 **261.035 CREMATION, BURIAL, AND FUNERALS AT EXPENSE OF**  
1.8 **COUNTY.**

1.9 When a person dies in any county without apparent means to provide for that  
1.10 person's funeral or final disposition, the county board shall first investigate to determine  
1.11 whether that person had contracted for any prepaid funeral arrangements. If prepaid  
1.12 arrangements have been made, the county shall authorize arrangements to be implemented  
1.13 in accord with the instructions of the deceased. If it is determined that the person did not  
1.14 leave sufficient means to defray the necessary expenses of a funeral and final disposition,  
1.15 nor any spouse or adult child of sufficient ability to procure the burial, the county board  
1.16 shall pay for cremation of the person's remains and the person's burial or interment if the  
1.17 spouse or next of kin does not want to take possession of the ashes. If it is determined  
1.18 that cremation is not in accordance with the decedent's personal preferences or the known  
1.19 practices of the decedent's faith tradition or the personal preferences of the decedent's  
1.20 spouse or the decedent's next of kin, the county board shall provide for a burial and  
1.21 funeral. Any burial, funeral, and final disposition provided at the expense of the county  
1.22 shall be in accordance with personal preferences or known practices of the decedent's faith  
1.23 tradition or the personal preferences of the decedent's spouse or the decedent's next of kin.  
1.24 If neither the wishes of the decedent nor the practices of the decedent's faith tradition are

- 2.1 known, and the county has no information about the existence of or location of any next of
- 2.2 kin, the county may provide for cremation of the person's remains and burial or interment.