

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

921W0163

## HOUSE ENGROSSED NO. **HB 1095** - 02/04/2015

Introduced by: Representatives Stalzer, Beal, Bordeaux, Feickert, Heinemann (Leslie), Kaiser, Kirschman, McCleerey, Qualm, Ring, Rounds, Schrempp, Verchio, and Wiik and Senators Jensen (Phil), Buhl O'Donnell, Haggar (Jenna), Olson, Otten (Ernie), Tieszen, and Vehle

1 FOR AN ACT ENTITLED, An Act to provide access to abandoned cemeteries and private  
2 burying grounds.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 7-26 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any person who wishes to visit an abandoned cemetery or private burying ground that is  
7 completely surrounded by privately owned land, and that has no available public ingress or  
8 egress, has the right to reasonable ingress or egress for the purpose of visiting the cemetery. This  
9 right of access to the cemetery extends for visitation and maintenance during reasonable hours  
10 after obtaining the consent of the landowner, which consent may not be unreasonably withheld.  
11 The owner of the land surrounding the cemetery may designate the route for reasonable access.  
12 The sheriff of the county in which the abandoned cemetery or private burying ground is located  
13 shall enforce the provisions of this section.

