

APPENDIX B

Legislative History of Section 10-2-501, MCA:

- 1903 The statutes governing county responsibilities for veteran interment were first enacted in 1903. The law specified that the county of residence must provide for the decent burial of a "*honorably discharged soldier, sailor, or marine*" who died "*without leaving sufficient means to defray funeral expenses*" and provided that "*the expense of each burial shall not exceed the sum of fifty dollars*". The county was responsible for applying to the federal government for a proper headstone and to "*cause*" the raising the headstone "*the expense of which shall not exceed the sum of ten dollars*". The person at the county responsible for these duties was precluded from being compensated. (Presumably, this provision meant that the county employee could not charge a special fee for taking charge of the burial for these veterans.)¹
- 1909 The \$50 for burial expenses was increased to \$100.²
- 1911 The provisions were amended to encompass "*any*" honorably discharged soldier, sailor, or marine, not just those who died without leaving sufficient means to defray funeral expenses.³
- 1919 Eligibility was clarified so the provision clearly covered the soldier, sailor, or marine even if he had been "*temporarily absent*" from the state and added language clarifying that the responsible person in the county was to "*take charge*" of the burial in the same manner as if the soldier, sailor, or marine had not been absent from the state.⁴
- 1921 Added that the responsible county person was to be "*preferably an honorably discharged*" soldier, sailor, or marine; the \$100 for burial expenses was raised to \$150 and language was added to specify that the cost was to be paid by "*the county in which the deceased resided at the time of his death*" and that the burial cost could not be "*covered by any special or standing contract whereby the cost of burial is reduced below the maximum herein before fixed to the disparagement of decent and proper interment*".⁵
- 1931 Eligibility for the benefit was expanded to encompass an honorably discharged member of the "*army nurse corp*" and to an honorably discharged soldier, sailor, marine, or nurse who was and inmate of a state institution, "*or any member of the Montana Soldiers' Home*", but "*providing, the expense for each burial of a female....shall not exceed the sum of One Hundred Dollars (\$100)*"; if the veteran died in a state institution, the institution was to "*take charge*" of the burial, but the county in which the veteran resided when the veteran entered the institution still had to pay the expense, even if the veteran was not buried in that county.⁶
- 1937 The county person was given the title of "*veterans' burial supervisor*" and the county responsibilities to provide for the burial were made contingent on the expense not exceeding \$150, the veterans' net estate not being more than \$2,000, and providing the benefit was not waived by the decedent's representative.⁷
- 1939 Removed the requirement that the veterans' net estate not be more than \$2,000 in order for the veteran to be eligible for the county benefit.⁸

- 1945 Removed the different amount (\$100) to be paid for burial of a female.⁹
- 1967 Reinstated the provision that burial expenses were not to exceed \$100 for a female resident of the soldiers' home but changed "*soldiers' home*" to "*veterans' home*".¹⁰
- 1969 Increased the burial expense from \$150 to \$250 and made minor style changes to the language, most notably using the following language that the "*expense of burial shall be \$250, to be paid by the county...*" and increased the burial expense for female residents of the veterans' home from \$100 to \$250.¹¹
- 1975 The county did not have to take charge of the burial if the decedent was a resident of a state institution (other than the veterans' home) but could simply reimburse the institution for the burial, which was the institution's responsibility.¹²
- 1977 Revised the language to provide that the \$250 paid by the county was "*to defer*" burial expenses.¹³
- 1989 Minor changes in style and language were made so that the word "*veteran*" was used throughout.¹⁴
- 1991 Added language stating that the burial supervisor was to "*ensure that the desires of the veteran's personal representative or heirs are not violated*" and language again providing that the county burial supervisor was required to assist a veterans' next of kin or guardian in applying to the proper authority for a headstone and in placing the headstone and that the sum "*not exceeding \$30 for the shipping and raising of the headstone*" must be paid by the county of residence when the veteran died.¹⁵
- 1995 Raised the amount payable for the shipping and raising of a headstone from \$30 to \$70 but provided that the county treasurer "*may withhold an amount of the county total remittance to the state treasurer equal to the actual cost paid, up to \$40 for the shipping and raising of each headstone.*" (This was a creative way to offset the additional cost to the county and to require the state to pay the additional \$40 cost but without causing the state to appropriate money to cover it. The net result was simply lost revenue to the state.)¹⁶
- 1999 The term "*burial*" was replaced with "*interment*", the county's responsibility to pay the first \$30 of the \$70 cost for a headstone was clarified, the county of residence at the time a veteran entered and institution that was in another county was clarified as the county for paying the burial costs, and federal institutions and private facilities were added so that if a veteran died in a federal institution or private facility, the county of the veterans' residence at the time the veteran entered the institution or facility was still clearly responsible for the payment of up to \$250 of the burial expenses and the \$30 for the headstone.¹⁷
- 2001 Simply changed the reference to county's remittance being to the state treasury to being to "*the department of revenue*".¹⁸

ENDNOTES FOR APPENDIX B

1. Ch. 39, L. 1903, Sec. 1 and Sec. 4.
2. Ch. 89, L. 1909, Sec. 1.
3. Ch. 109, L., 1911, Sec. 1.
4. Ch. 178, L. 1911, Sec. 1.
5. Ch. 194, L. 1921, Sec. 1.
6. Ch. 181, L. 1931, Sec. 1.
7. Ch. 163, L. 1937, Sec. 1.
8. Ch. 52, L. 1939, Sec. 1.
9. Ch. 25, L. 1945, Sec. 1.
10. Ch. 310, L. 1967, Sec. 1.
11. Ch. 96, L. 1969, Sec. 1.
12. Ch. 535, L. 1975, Sec. 34.
13. Ch. 49, L. 1977, Sec. 1.
14. Ch. 609, L. 1989, Sec. 4.
15. Ch. 70, L. 1991, Sec. 2.
16. Ch. 45, L. 1995, Sec. 1.
17. Ch. 210, L. 1999, Sec. 1.
18. Ch. 257, L. 2001, Sec. 4.