

HOUSE BILL NO. 773

INTRODUCED BY G. MACLAREN

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING STATE REIMBURSEMENT OF CERTAIN COUNTY
5 PAYMENTS FOR VETERANS' INTERMENT COSTS; REQUIRING THE DEPARTMENT OF MILITARY AFFAIRS
6 TO REIMBURSE COUNTIES FOR INTERMENT COSTS; PROVIDING AN APPROPRIATION; AMENDING
7 SECTION 10-2-501, MCA; AND PROVIDING AN EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 10-2-501, MCA, is amended to read:
12 **"10-2-501. Interment allowance for veterans -- payment by county of residence -- reimbursement**
13 **by department of military affairs -- veterans' interment supervisor -- definitions.** (1) The board of
14 commissioners of each county in this state shall designate a person in the county, preferably a veteran, as
15 veterans' interment supervisor.

16 (2) The veterans' interment supervisor shall cause to be decently interred the body or cremated remains
17 of any veteran who was a resident of the state of Montana at the time of death. In performing this duty, the
18 veterans' interment supervisor shall ensure that the desires of the veteran's personal representative or heirs are
19 not violated. The veterans' interment supervisor may not receive any compensation for duties performed in
20 compliance with this part.

21 (3) The interment may not be made in a burial ground or cemetery or in a portion of a burial ground or
22 cemetery used exclusively for the interment of pauper dead.

23 (4) A sum not to exceed \$250 to defer actual interment expenses must be paid by the veteran's county
24 of residence and must be reimbursed by the department upon receipt of the itemized statement of expenses from
25 the clerk of the board of county commissioners provided for in 10-2-503.

26 (5) The interment benefits are not available in the case of a veteran whose personal representative or
27 heirs waive the benefits.

28 (6) Whenever interment is of a resident of a Montana veterans' home, a sum not to exceed \$250 to defer
29 actual interment expenses must be paid by the veteran's county of residence and must be reimbursed by the
30 department upon receipt of the itemized statement of expenses from the clerk of the board of county

1 commissioners provided for in 10-2-503.

2 (7) If a veteran dies while temporarily absent from the state or county of residence, the provisions of this
3 section apply and the interment expenses not exceeding the amount specified in this section must be paid in the
4 same manner as provided in this section.

5 (8) When a veteran dies at an institution of the state of Montana, other than a Montana veterans' home,
6 at a federal institution, or at a private facility and interment for any cause is not made in the veteran's county of
7 residence, the officers of the institution or facility shall provide the proper interment prescribed in this section. The
8 reimbursement for the expense of each interment may not exceed \$250. The expense must be paid by the
9 veteran's county of residence and must be reimbursed by the department upon receipt of the itemized statement
10 of expenses from the clerk of the board of county commissioners provided for in 10-2-503.

11 (9) An interment may not be covered by any special or standing contract under which the cost of
12 interment is reduced below the maximum amount fixed in this section, to the disparagement of proper interment.

13 (10) The veterans' interment supervisor shall, upon request of the deceased veteran's personal
14 representative or heirs, assist in applying to the proper authority for a suitable headstone, as provided by act of
15 congress, and in placing the headstone on the veteran's grave. The reimbursement costs for the shipping and
16 raising of the headstone may not exceed an amount equal to the actual cost paid, up to \$70, and must be paid
17 by the veteran's county of residence at the time of death. The expense must be audited and paid as provided in
18 this section for interment expenses.

19 (11) As used in this part, the following definitions apply:

20 (a) "Department" means the department of military affairs provided for in 2-15-1201.

21 ~~(a)~~(b) "Interment" has the meaning provided in 37-19-101.

22 ~~(b)~~(c) "Residence" is determined as provided in 13-1-112. If the intent of the veteran regarding residence
23 cannot be determined under 13-1-112, the costs of interment must be paid by the veteran's county of residence
24 at the time of admittance into a Montana veterans' home, a state or federal institution, or a private facility."
25

26 **NEW SECTION. Section 2. Appropriation.** The following amounts are appropriated from the general
27 fund to the department of military affairs to reimburse county costs for veterans' interment as provided in 10-2-501
28 as amended by [section 1]:

29	FY 2008	\$586,342
30	FY 2009	\$586,342



1

2 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2007.

3

- END -