

HOUSE BILL NO. 773
INTRODUCED BY G. MACLAREN

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

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

Section 1. Section 10-2-501, MCA, is amended to read:

"10-2-501. Interment allowance for veterans -- payment by county of residence -- reimbursement by department of military affairs -- veterans' interment supervisor -- definitions. (1) The board of commissioners of each county in this state shall designate a person in the county, preferably a veteran, as veterans' interment supervisor.

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

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

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

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

(6) Whenever interment is of a resident of a Montana veterans' home, a sum not to exceed \$250 to defer actual interment expenses must be paid by the veteran's county of residence and must be reimbursed by the department upon receipt of the itemized statement of expenses from the clerk of the board of county commissioners provided for in 10-2-503.

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

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

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

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

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

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

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

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

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

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

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

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