

HOUSE BILL NO. 326

INTRODUCED BY THOMAS, NATHE, HARPER,
DRISCOLL, PHILLIPS, MAZUREK

IN THE HOUSE

JANUARY 22, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

 FIRST READING.

FEBRUARY 4, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 5, 1991 PRINTING REPORT.

FEBRUARY 6, 1991 ON MOTION, CONSIDERATION PASSED.

FEBRUARY 7, 1991 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 8, 1991 ENGROSSING REPORT.

FEBRUARY 9, 1991 THIRD READING, PASSED.
AYES, 92; NOES, 1.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 11, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

 FIRST READING.

FEBRUARY 19, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 5, 1991 SECOND READING, CONCURRED IN.

MARCH 6, 1991 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

 RETURNED TO HOUSE.

IN THE HOUSE

MARCH 7, 1991 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *326*
 2 INTRODUCED BY *Thomas NATHE Hayden*
 3 *Daniel Shellen* *Maxwell*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING
 5 THE DUTIES OF THE VETERANS' BURIAL SUPERVISOR; AND AMENDING
 6 SECTIONS 10-2-101, 10-2-501, 10-2-503, AND 10-2-504, MCA."
 7

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

9 **Section 1.** Section 10-2-101, MCA, is amended to read:

10 "10-2-101. Definitions. Unless the context requires
 11 otherwise, in this chapter the following definitions apply:

12 (1) "board" means the board of veterans' affairs
 13 provided for in 2-15-1205; and

14 (2) "veteran" means an honorably discharged individual
 15 who served on active duty, other than for training, with the
 16 United States armed forces, including an individual who
 17 served with the United States coast guard while the coast
 18 guard was under operational control of the United States
 19 navy during periods of declared or undeclared war. The term
 20 includes individuals who served with the first special
 21 service force and the American merchant marine in oceangoing
 22 service during the period of armed conflict, December 7,
 23 1941, to August 15, 1945."

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

25 "10-2-501. Burial allowance for military. (1) The board

1 of commissioners of each county in this state shall
 2 designate a person in the county, preferably a veteran, as
 3 veterans' burial supervisor.

4 (2) The veterans' burial supervisor shall cause to be
 5 decently interred the body of any veteran who ~~is~~ was a
 6 resident of the state of Montana at the time of death. In
 7 performing this duty, the veterans' burial supervisor shall
 8 ensure that the desires of the veteran's executor,
 9 administrator, or heirs are not violated.

10 (3) The burial may not be made in any burial grounds or
 11 cemetery or in any portion of any burial grounds or cemetery
 12 used exclusively for the burial of pauper dead.

13 (4) A sum not to exceed \$250 to defer burial expenses
 14 must be paid by the county commissioners of the county in
 15 which the veteran was a bona fide resident at the time of
 16 death.

17 (5) The burial benefits are not available in the case
 18 of any veteran whose executor, administrator, or heirs waive
 19 the benefits.

20 (6) Whenever burial is of a resident of the Montana
 21 veterans' home, a sum not to exceed \$250 to defer burial
 22 expenses must be paid by the county commissioners of the
 23 county in which the veteran resided prior to admittance to
 24 the Montana veterans' home.

25 (7) If a veteran dies while temporarily absent from the



1 state or county of residence, the provisions of this section
 2 apply and the burial expenses not exceeding the amount
 3 specified in this section must be paid in the same manner as
 4 provided in this section.

5 (8) Whenever a veteran dies at any public institution
 6 of the state of Montana, other than the Montana veterans'
 7 home, and burial for any cause is not made in the county of
 8 the former residence of the veteran, the officers of the
 9 state institution shall provide the proper burial prescribed
 10 in this section. The reimbursement for the expense of each
 11 burial may not exceed \$250. The expense must be paid by the
 12 county in which the veteran resided at the time of entry
 13 into the institution.

14 (9) A burial may not be covered by any special or
 15 standing contract whereby the cost of burial is reduced
 16 below the maximum amount fixed in this section, to the
 17 disparagement of proper interment.

18 (10) The veterans' burial supervisor shall, upon request
 19 of the deceased veteran's next of kin or guardian, assist in
 20 applying to the proper authority for a suitable headstone,
 21 as provided by act of congress, and in placing the headstone
 22 on the veteran's grave. A sum not exceeding \$30 for the
 23 shipping and raising of the headstone must be paid by the
 24 county commissioners of the county in which the veteran was
 25 a resident at the time of death. The expense must be audited

1 and paid as provided in this section for burial expenses."

2 **Section 3.** Section 10-2-503, MCA, is amended to read:

3 "10-2-503. Report of actions and expenses by burial
 4 supervisor. It shall-be is the duty of the person appointed
 5 as provided in 10-2-501 to cause the veteran to be buried as
 6 provided in this part, and he shall immediately report his
 7 action to the clerk of the board of county commissioners,
 8 setting forth all the facts, together with the veteran's
 9 name, and rank, the last command to which the veteran
 10 belonged, so far as is known, the date of death, the exact
 11 place of burial, occupation-while-living, and an itemized
 12 statement of the expenses incurred by reason of such the
 13 burial. The board of county commissioners may direct that
 14 additional information be kept in the record."

15 **Section 4.** Section 10-2-504, MCA, is amended to read:

16 "10-2-504. Duty of clerk. It shall-be is the duty of
 17 the clerk of the board of county commissioners, upon
 18 receiving the report and statement of expenses, to
 19 transcribe in a book to be kept for that purpose all the
 20 facts contained in such the report concerning the veteran.
 21 ~~it--shall--also--be--the--duty--of--the--clerk--upon--receiving--the~~
 22 ~~report--of--the--burial--of--the--veteran--to--make--application--to~~
 23 ~~the--proper--authorities--under--the--government--of--the--United~~
 24 ~~States--for--a--suitable--headstone--as--provided--by--act--of~~
 25 ~~congress--and--to--cause--the--same--to--be--placed--at--the--head--of~~

LC 1318/01

1 ~~the grave of the veteran, the expense of which shall not~~
2 ~~exceed the sum of \$30 for cartage of and properly setting up~~
3 ~~each stone. The expense thus incurred shall be audited and~~
4 ~~paid as provided in 10-2-502 for the burial expenses."~~

-End-

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

HOUSE BILL NO. 326

INTRODUCED BY THOMAS, NATHE, HARPER,

DRISCOLL, PHILLIPS, MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING
THE DUTIES OF THE VETERANS' BURIAL SUPERVISOR; AND AMENDING
SECTIONS 10-2-101, 10-2-501, 10-2-503, AND 10-2-504, MCA."

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

Section 1. Section 10-2-101, MCA, is amended to read:

"10-2-101. **Definitions.** Unless the context requires
otherwise, in this chapter the following definitions apply:

(1) "board" means the board of veterans' affairs
provided for in 2-15-1205; and

(2) "veteran" means an honorably discharged individual
who served on active duty, other than for training, with the
United States armed forces, including an individual who
served with the United States coast guard while the coast
guard was under operational control of the United States
navy during periods of declared or undeclared war. The term
includes individuals who served with the first special
service force and the American merchant marine in oceangoing
service during the period of armed conflict, December 7,
1941, to August 15, 1945."

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

"10-2-501. **Burial allowance for military.** (1) The board
of commissioners of each county in this state shall
designate a person in the county, preferably a veteran, as
veterans' burial supervisor.

(2) The veterans' burial supervisor shall cause to be
decently interred the body of any veteran who ~~is~~ was a
resident of the state of Montana at the time of death. In
performing this duty, the veterans' burial supervisor shall
ensure that the desires of the veteran's, ~~executory~~
~~administrator~~ PERSONAL REPRESENTATIVE or heirs are not
violated.

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

(4) A sum not to exceed \$250 to defer burial expenses
must be paid by the county commissioners of the county in
which the veteran was a bona fide resident at the time of
death.

(5) The burial benefits are not available in the case
of any veteran whose ~~executory--administrator~~ PERSONAL
REPRESENTATIVE or heirs waive the benefits.

(6) Whenever burial is of a resident of the Montana
veterans' home, a sum not to exceed \$250 to defer burial
expenses must be paid by the county commissioners of the
county in which the veteran resided prior to admittance to

SECOND READING

1 the Montana veterans' home.

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

7 (8) Whenever a veteran dies at any public institution
8 of the state of Montana, other than the Montana veterans'
9 home, and burial for any cause is not made in the county of
10 the former residence of the veteran, the officers of the
11 state institution shall provide the proper burial prescribed
12 in this section. The reimbursement for the expense of each
13 burial may not exceed \$250. The expense must be paid by the
14 county in which the veteran resided at the time of entry
15 into the institution.

16 (9) A burial may not be covered by any special or
17 standing contract whereby the cost of burial is reduced
18 below the maximum amount fixed in this section, to the
19 disparagement of proper interment.

20 (10) The veterans' burial supervisor shall, upon request
21 of the deceased veteran's next of kin or guardian, assist in
22 applying to the proper authority for a suitable headstone,
23 as provided by act of congress, and in placing the headstone
24 on the veteran's grave. A sum not exceeding \$30 for the
25 shipping and raising of the headstone must be paid by the

1 county commissioners of the county in which the veteran was
2 a resident at the time of death. The expense must be audited
3 and paid as provided in this section for burial expenses."

4 **Section 3.** Section 10-2-503, MCA, is amended to read:

5 "10-2-503. Report of actions and expenses by burial
6 supervisor. It ~~shall-be~~ is the duty of the person appointed
7 as provided in 10-2-501 to cause the veteran to be buried as
8 provided in this part, and he shall immediately report his
9 action to the clerk of the board of county commissioners,
10 setting forth all the facts, together with the veteran's
11 name, and rank, the last command to which the veteran
12 belonged, so far as is known, the date of death, the exact
13 place of burial, ~~occupation-white-living,~~ and an itemized
14 statement of the expenses incurred by reason of such the
15 burial. The board of county commissioners may direct that
16 additional information be kept in the record BOOK REQUIRED
17 TO BE KEPT BY THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS
18 BY 10-2-504."

19 **Section 4.** Section 10-2-504, MCA, is amended to read:

20 "10-2-504. Duty of clerk. It ~~shall-be~~ is the duty of
21 the clerk of the board of county commissioners, upon
22 receiving the report and statement of expenses, to
23 transcribe in a book to be kept for that purpose all the
24 facts contained in such the report concerning the veteran.
25 ~~it-shall-also-be-the-duty-of-the-clerk,-upon-receiving-the~~

1 report--of-the-burial-of-the-veteran, to make application to
2 the proper authorities under the government--of--the--United
3 States--for--a--suitable--headstone--as--provided--by--act--of
4 congress and to cause the same to be placed at the--head--of
5 the--grave--of--the--veteran, the expense of which shall not
6 exceed the sum of \$30 for cartage of and properly setting up
7 each stone. The expense thus incurred shall be--audited--and
8 paid as provided in 10-2-502 for the burial expenses."

-End-

HOUSE BILL NO. 326

INTRODUCED BY THOMAS, NATHE, HARPER,

DRISCOLL, PHILLIPS, MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING THE DUTIES OF THE VETERANS' BURIAL SUPERVISOR; AND AMENDING SECTIONS 10-2-101, 10-2-501, 10-2-503, AND 10-2-504, MCA."

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

Section 1. Section 10-2-101, MCA, is amended to read:

"10-2-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "board" means the board of veterans' affairs provided for in 2-15-1205; and

(2) "veteran" means an honorably discharged individual who served on active duty, other than for training, with the United States armed forces, including an individual who served with the United States coast guard while--the--coast guard--was--under--operational--control--of--the--United--States navy--during--periods--of--declared--or--undeclared--war. The term includes individuals who served with the first special service force and the American merchant marine in oceangoing service during the period of armed conflict, December 7, 1941, to August 15, 1945."

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

"10-2-501. Burial allowance for military. (1) The board of commissioners of each county in this state shall designate a person in the county, preferably a veteran, as veterans' burial supervisor.

(2) The veterans' burial supervisor shall cause to be decently interred the body of any veteran who ~~is~~ was a resident of the state of Montana at the time of death. In performing this duty, the veterans' burial supervisor shall ensure that the desires of the veteran's, ~~executor,~~ administrator PERSONAL REPRESENTATIVE or heirs are not violated.

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

(4) A sum not to exceed \$250 to defer burial expenses must be paid by the county commissioners of the county in which the veteran was a bona fide resident at the time of death.

(5) The burial benefits are not available in the case of any veteran whose ~~executor--administrator,~~ PERSONAL REPRESENTATIVE or heirs waive the benefits.

(6) Whenever burial is of a resident of the Montana veterans' home, a sum not to exceed \$250 to defer burial expenses must be paid by the county commissioners of the county in which the veteran resided prior to admittance to

THIRD READING

HB 326

AS AMENDED



1 the Montana veterans' home.

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

7 (8) Whenever a veteran dies at any public institution
8 of the state of Montana, other than the Montana veterans'
9 home, and burial for any cause is not made in the county of
10 the former residence of the veteran, the officers of the
11 state institution shall provide the proper burial prescribed
12 in this section. The reimbursement for the expense of each
13 burial may not exceed \$250. The expense must be paid by the
14 county in which the veteran resided at the time of entry
15 into the institution.

16 (9) A burial may not be covered by any special or
17 standing contract whereby the cost of burial is reduced
18 below the maximum amount fixed in this section, to the
19 disparagement of proper interment.

20 (10) The veterans' burial supervisor shall, upon request
21 of the deceased veteran's next of kin or guardian, assist in
22 applying to the proper authority for a suitable headstone,
23 as provided by act of congress, and in placing the headstone
24 on the veteran's grave. A sum not exceeding \$30 for the
25 shipping and raising of the headstone must be paid by the

1 county commissioners of the county in which the veteran was
2 a resident at the time of death. The expense must be audited
3 and paid as provided in this section for burial expenses."

4 **Section 3.** Section 10-2-503, MCA, is amended to read:

5 "10-2-503. Report of actions and expenses by burial
6 supervisor. It shall-be is the duty of the person appointed
7 as provided in 10-2-501 to cause the veteran to be buried as
8 provided in this part, and he shall immediately report his
9 action to the clerk of the board of county commissioners,
10 setting forth all the facts, together with the veteran's
11 name, and rank, the last command to which the veteran
12 belonged, so far as is known, the date of death, the exact
13 place of burial, occupation-while-living, and an itemized
14 statement of the expenses incurred by reason of such the
15 burial. The board of county commissioners may direct that
16 additional information be kept in the record BOOK REQUIRED
17 TO BE KEPT BY THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS
18 BY 10-2-504."

19 **Section 4.** Section 10-2-504, MCA, is amended to read:

20 "10-2-504. Duty of clerk. It shall-be is the duty of
21 the clerk of the board of county commissioners, upon
22 receiving the report and statement of expenses, to
23 transcribe in a book to be kept for that purpose all the
24 facts contained in such the report concerning the veteran.
25 it-shall-also-be-the-duty-of-the-clerk,-upon--receiving--the

1 report--of-the-burial-of-the-veteran; to make application to
2 the proper authorities under the government--of--the--United
3 States--for--a--suitable--headstone--as--provided--by--act--of
4 congress and to cause the same to be placed at the--head--of
5 the--grave--of--the--veteran; the expense of which shall not
6 exceed the sum of \$30 for cartage of and properly setting up
7 each stone. The expense thus incurred shall be--audited--and
8 paid as provided in 10-2-502 for the burial expenses."

-End-

HOUSE BILL NO. 326

INTRODUCED BY THOMAS, NATHE, HARPER,

DRISCOLL, PHILLIPS, MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING THE DUTIES OF THE VETERANS' BURIAL SUPERVISOR; AND AMENDING SECTIONS 10-2-101, 10-2-501, 10-2-503, AND 10-2-504, MCA."

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

Section 1. Section 10-2-101, MCA, is amended to read:

"10-2-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "board" means the board of veterans' affairs provided for in 2-15-1205; and

(2) "veteran" means an honorably discharged individual who served on active duty, other than for training, with the United States armed forces, including an individual who served with the United States coast guard while--the--coast guard--was--under--operational--control--of--the--United--States navy--during--periods--of--declared--or--undeclared--war. The term includes individuals who served with the first special service force and the American merchant marine in oceangoing service during the period of armed conflict, December 7, 1941, to August 15, 1945."

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

"10-2-501. Burial allowance for military. (1) The board of commissioners of each county in this state shall designate a person in the county, preferably a veteran, as veterans' burial supervisor.

(2) The veterans' burial supervisor shall cause to be decently interred the body of any veteran who ~~is~~ was a resident of the state of Montana at the time of death. In performing this duty, the veterans' burial supervisor shall ensure that the desires of the veteran's ~~executory administrator~~ PERSONAL REPRESENTATIVE or heirs are not violated.

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

(4) A sum not to exceed \$250 to defer burial expenses must be paid by the county commissioners of the county in which the veteran was a bona fide resident at the time of death.

(5) The burial benefits are not available in the case of any veteran whose ~~executory--administrator~~ PERSONAL REPRESENTATIVE or heirs waive the benefits.

(6) Whenever burial is of a resident of the Montana veterans' home, a sum not to exceed \$250 to defer burial expenses must be paid by the county commissioners of the county in which the veteran resided prior to admittance to

1 the Montana veterans' home.

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

7 (8) Whenever a veteran dies at any public institution
8 of the state of Montana, other than the Montana veterans'
9 home, and burial for any cause is not made in the county of
10 the former residence of the veteran, the officers of the
11 state institution shall provide the proper burial prescribed
12 in this section. The reimbursement for the expense of each
13 burial may not exceed \$250. The expense must be paid by the
14 county in which the veteran resided at the time of entry
15 into the institution.

16 (9) A burial may not be covered by any special or
17 standing contract whereby the cost of burial is reduced
18 below the maximum amount fixed in this section, to the
19 disparagement of proper interment.

20 (10) The veterans' burial supervisor shall, upon request
21 of the deceased veteran's next of kin or guardian, assist in
22 applying to the proper authority for a suitable headstone,
23 as provided by act of congress, and in placing the headstone
24 on the veteran's grave. A sum not exceeding \$30 for the
25 shipping and raising of the headstone must be paid by the

1 county commissioners of the county in which the veteran was
2 a resident at the time of death. The expense must be audited
3 and paid as provided in this section for burial expenses."

4 **Section 3.** Section 10-2-503, MCA, is amended to read:

5 "10-2-503. Report of actions and expenses by burial
6 supervisor. It shall-be is the duty of the person appointed
7 as provided in 10-2-501 to cause the veteran to be buried as
8 provided in this part, and he shall immediately report his
9 action to the clerk of the board of county commissioners,
10 setting forth all the facts, together with the veteran's
11 name, and rank, the last command to which the veteran
12 belonged, so far as is known, the date of death, the exact
13 place of burial, occupation-while-living, and an itemized
14 statement of the expenses incurred by reason of such the
15 burial. The board of county commissioners may direct that
16 additional information be kept in the record BOOK REQUIRED
17 TO BE KEPT BY THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS
18 BY 10-2-504."

19 **Section 4.** Section 10-2-504, MCA, is amended to read:

20 "10-2-504. Duty of clerk. It shall-be is the duty of
21 the clerk of the board of county commissioners, upon
22 receiving the report and statement of expenses, to
23 transcribe in a book to be kept for that purpose all the
24 facts contained in such the report concerning the veteran.
25 It-shall-also-be-the-duty-of-the-clerk, upon--receiving--the

HB 0326/04

1 report--of-the-burial-of-the-veteran, to make application to
2 the proper authorities under the government--of--the--United
3 States--for--a--suitable--headstone--as--provided--by act of
4 congress and to cause the same to be placed at the--head--of
5 the--grave--of--the--veteran, the expense of which shall not
6 exceed the sum of \$30 for cartage of and properly setting up
7 each stone. The expense thus incurred shall be--audited--and
8 paid as provided in 10-2-502 for the burial expenses."

-End-