

SENATE BILL 24

Introduced by Williams

12/27	Introduced
12/28	Referred to Judiciary
12/28	Fiscal Note Requested
1/07	First Reading
1/07	Fiscal Note Received
1/07	Fiscal Note Printed
1/08	Hearing
1/14	Committee Report--Bill Passed as Amended
1/15	2nd Reading Passed
1/16	3rd Reading Passed
	Transmitted to House
1/17	First Reading
1/17	Referred to Human Services & Aging
1/21	Hearing
1/23	Tabled in Committee

1 SENATE BILL NO. 24

2 INTRODUCED BY WILLIAMS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A CHILD TO
5 PAY BURIAL AND INTERMENT COSTS FOR INDIGENT PARENTS; AND
6 AMENDING SECTION 40-6-301, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 40-6-301, MCA, is amended to read:

10 "40-6-301. Duty of child to support indigent parents.
11 ~~It--is--hereby--declared--and--made--the--duty--of--every~~ Each adult
12 child, having the ability ~~so~~ to do so, to shall furnish and
13 provide necessary food, clothing, shelter, ~~and~~ medical
14 attendance, and burial and interment costs for his indigent
15 parent or parents, unless, in the judgment of the court or
16 jury, he is excused ~~therefrom~~ by reason of the intemperance,
17 indolence, immorality, or profligacy of ~~such~~ the parent."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB024, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring a child to pay burial and interment costs for indigent parents.

ASSUMPTIONS:


1. It is estimated that SRS will pay for approximately 94 burials for indigent individuals in each year of the next biennium in state-assumed counties. The number of such burials in non-state-assumed counties is unknown.
2. No hard data relative to indigent burials of individuals who have identified children is available. SRS field supervisors who were questioned about their working knowledge of the program indicate that almost all individuals buried with funds from the indigent burial program did not have known children in the state.

FISCAL IMPACT:

There is no identifiable fiscal impact in the SRS budget related to state-assumed counties.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

There is no identifiable fiscal impact in the non-state-assumed counties.

 1-5-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/7/91
BOB WILLIAMS, PRIMARY SPONSOR DATE

Fiscal Note for SB024, as introduced.

SB 24

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 24
INTRODUCED BY WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A AN ADULT CHILD TO PAY BURIAL-AND-INTERMENT ALL BURIAL, ENTOMBMENT, OR CREMATION COSTS FOR INDIGENT PARENTS; ALLOWING A COUNTY OR THE STATE TO SEEK REIMBURSEMENT OF COSTS FOR BURIAL, ENTOMBMENT, OR CREMATION OF INDIGENTS; AND AMENDING SECTIONS 40-6-301, 53-3-110, AND 53-3-114, MCA."

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

Section 1. Section 40-6-301, MCA, is amended to read:

"40-6-301. Duty of child to support indigent parents.

~~It is hereby declared and made the duty of every~~ (1) Each adult child, having the ability ~~so to do so, to~~ shall furnish and provide necessary food, clothing, shelter, and medical attendance, and ~~burial--and-interment~~ ALL BURIAL, ENTOMBMENT, OR CREMATION costs for his indigent parent or parents, unless, in the judgment of the court or jury, he is excused ~~therefrom~~ by reason of the intemperance, indolence, immorality, or profligacy of such the parent.

(2) IF A COUNTY OR THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES PAYS FOR BURIAL, ENTOMBMENT, OR CREMATION COSTS UNDER 53-3-110, THE COUNTY OR THE DEPARTMENT MAY SEEK REIMBURSEMENT UNDER THIS PART, IF APPLICABLE."

SECTION 2. SECTION 53-3-110, MCA, IS AMENDED TO READ:

"53-3-110. Burial of deceased indigent ~~--~~ reimbursement. (1) In a county without state-assumed welfare services, the county welfare board shall provide for the burial of a deceased indigent.

(2) In a county with state-assumed welfare services, the department shall provide for the burial of a deceased indigent.

(3) A county or the department may seek reimbursement under 40-6-303, if applicable, for costs paid under this section."

SECTION 3. SECTION 53-3-114, MCA, IS AMENDED TO READ:

"53-3-114. Department to adopt rules. The department shall adopt such rules as are necessary to implement this chapter. Rules adopted may include those necessary for application, eligibility, residency, fraud, recovery of overpayments; the form, amount, scope, and duration of relief; confidentiality; burial, entombment, or cremation, of deceased indigents; and definition of terms. The department may not adopt rules to govern the amounts of relief to be provided in counties where the department has not assumed responsibility for the direct administration of welfare services."

-End-

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(2) IF A COUNTY OR THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES PAYS FOR BURIAL, ENTOMBMENT, OR CREMATION COSTS UNDER 53-3-110, THE COUNTY OR THE DEPARTMENT MAY SEEK REIMBURSEMENT UNDER THIS PART, IF APPLICABLE."

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-End-

THIRD READING

