

No. 270

**VOLUNTEER FIRE DEPARTMENTS—FUNERAL
EXPENSES FOR DECEASED MEMBERS**

Held: Under Sections 5123 (5) and 5135 (5), Revised Codes of Montana, 1935, a widow of a deceased member of a volunteer fire department is entitled to be reimbursed from the Relief Association Fund in an amount not exceeding the sum of \$250 for funeral expenses.

October 20, 1941.

Mr. Edison W. Kent
County Attorney
Granite County
Philipsburg, Montana

Dear Mr. Kent:

Some time ago you wrote this office in part as follows:

"The City of Philipsburg maintains a Volunteer Fire Department and in the past two years two of the active members have become deceased. Now the question that has been propounded to me is: Are said deceased members entitled to a funeral benefit from our Relief Association Fund?

"Now after investigating the statutes on the matter, I find that Section 5123 of the Revised Codes of Montana, 1935, provides funeral expenses for deceased members and that Section 5135 provides that the Relief Association Fund may be used to defray the funeral expenses of a member in an amount not to exceed the sum of \$250.00.

"Wherefore, in my opinion the widows of said two deceased members are entitled to be reimbursed for the funeral expenses incurred by the deaths of their husbands, up to and including an amount not exceeding the sum of \$250.00. However, I would like a verification of my opinion before advising the Trustees of our Fire Brigade to pay said sums."

Section 5123, Revised Codes of Montana, 1935, provides as follows:

"Every fire department relief association may allow to its members benefits for the following causes, as provided by law: . . .

"5. Funeral expenses of a member."

Section 5135, Revised Codes of Montana, 1935, provides as follows:

"Said fund shall not be used for any other purpose whatsoever, other than for the payment of the following: . . .

"5. To defray the funeral expenses of a member, in an amount not to exceed, however, the sum of two hundred fifty dollars (\$250.00)."

These are the only expressions I can find in the statutes on this subject. They are clear and unambiguous; and I concur in your opinion to the effect the widows of the said two deceased members are entitled to be reimbursed for the funeral expenses incurred by the deaths of their husbands up to and including an amount not exceeding the sum of \$250.00 in each case.

Sincerely yours,

JOHN W. BONNER
Attorney General