

HOUSE BILL NO. 96

INTRODUCED BY K. KERNS, M. LANGE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE ESTABLISHMENT AND FUNDING
5 OF STATE VETERANS' CEMETERIES; AUTHORIZING A COUNTY THE BOARD OF VETERANS' AFFAIRS
6 TO DESIGNATE A COUNTY VETERANS' CEMETERY AS A STATE VETERANS' CEMETERY WITH SUBJECT
7 TO BOARD CERTIFICATION; ESTABLISHING AN ACCOUNT FOR STATE REIMBURSEMENT OF COUNTY
8 MAINTENANCE COSTS; PROVIDING A STATUTORY AN APPROPRIATION; AMENDING SECTIONS
9 SECTION 10-2-601 AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 ~~NEW SECTION. Section 1. State reimbursement for maintenance -- statutory appropriation. (1)~~
14 ~~There is an account IN THE STATE SPECIAL REVENUE FUND to the credit of the board for the maintenance of state~~
15 ~~veterans' cemeteries established by counties DESIGNATED BY THE BOARD AS STATE VETERANS' CEMETERIES pursuant~~
16 ~~to 10-2-601(4). At the beginning of each biennium, \$200,000 \$100,000 from the general fund must be transferred~~
17 ~~to the account, which is statutorily appropriated, as provided in 17-7-502, to the board.~~
18 ~~(2) By August 1 of each year, each eligible county shall submit to the board a claim for reimbursement~~
19 ~~of actual expenses incurred by the county for maintaining the state veterans' cemetery.~~
20 ~~(3) After receiving all claims, the board shall allocate the funding available in the maintenance account~~
21 ~~to each eligible county on a prorated basis, depending on the total money available in the account and the total~~
22 ~~amount submitted in claims. Allocations must be made within 1 month after the deadline for submitting the claim~~
23 ~~under subsection (2).~~
24 ~~(4) For purposes of this section, an "eligible county" is a county that IN WHICH THE BOARD has designated~~
25 ~~a county veterans' cemetery as a state veterans' cemetery pursuant to 10-2-601(4).~~

26
27 **Section 1.** Section 10-2-601, MCA, is amended to read:
28 **"10-2-601. State veterans' cemeteries.** (1) The board shall establish and operate state veterans'
29 cemeteries, except as provided in subsection (4).

30 (2) A cemetery must be located at Fort William Henry Harrison in Lewis and Clark County, Montana, and

1 at Miles City. A cemetery may be located in Missoula County and in Yellowstone County if funding allows.

2 (3) The board may establish additional state veterans' cemeteries only as funding allows.

3 (4) ~~(a) A county~~ THE BOARD may designate a veterans' cemetery established pursuant to [section 1 of
4 Senate Bill No. 21] as a state veterans' cemetery if:

5 (i) THE LEGISLATURE HAS AUTHORIZED THE CEMETERY PURSUANT TO SUBSECTION (2) OR (3); AND

6 (ii) the board certifies that the cemetery is operated and maintained under the same standards and
7 interment eligibility criteria as required for a STATE veterans' cemetery established by the board.

8 (b) A cemetery designated under this subsection (4) as a state veterans' cemetery must be recognized
9 and identified as a state veterans' cemetery on official state maps, in other appropriate state publications and
10 websites, and on appropriate state road signs."

11

12 ~~Section 3. Section 17-7-502, MCA, is amended to read:~~

13 ~~"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory~~
14 ~~appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the~~
15 ~~need for a biennial legislative appropriation or budget amendment.~~

16 ~~(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both~~
17 ~~of the following provisions:~~

18 ~~(a) The law containing the statutory authority must be listed in subsection (3).~~

19 ~~(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory~~
20 ~~appropriation is made as provided in this section.~~

21 ~~(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-407;~~
22 ~~5-13-403; 10-2-603; [section 1]; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113;~~
23 ~~15-1-121; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 15-70-369;~~
24 ~~15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319;~~
25 ~~19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107;~~
26 ~~20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306;~~
27 ~~23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504;~~
28 ~~44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870;~~
29 ~~75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161;~~
30 ~~87-1-513; 90-1-115; 90-1-205; 90-3-1003; and 90-9-306.~~

1 ~~———— (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,~~
 2 ~~paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued~~
 3 ~~pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana~~
 4 ~~to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state~~
 5 ~~treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory~~
 6 ~~appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of~~
 7 ~~15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L.~~
 8 ~~1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's~~
 9 ~~unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates~~
 10 ~~July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion~~
 11 ~~of 15-35-108 terminates June 30, 2010; pursuant to sec. 7, Ch. 314, L. 2005, the inclusion of 23-4-105, 23-4-202,~~
 12 ~~23-4-204, 23-4-302, and 23-4-304 becomes effective July 1, 2007; and pursuant to sec. 17, Ch. 593, L. 2005,~~
 13 ~~the inclusion of 15-31-906 terminates January 1, 2010.)"~~

14
 15 ~~———— NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an~~
 16 ~~integral part of Title 10, chapter 2, part 6, and the provisions of Title 10, chapter 2, part 6, apply to [section 1].~~

17
 18 NEW SECTION. SECTION 2. APPROPRIATION. THERE IS APPROPRIATED \$1 FROM THE GENERAL FUND TO THE
 19 DEPARTMENT OF MILITARY AFFAIRS FOR FISCAL YEAR 2008.

20
 21 NEW SECTION. Section 3. Contingent voidness. If Senate Bill No. 21 is not passed and approved,
 22 then [this act] is void.

23
 24 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2007.

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