

HOUSE BILL NO. 96  
INTRODUCED BY K. KERNS, M. LANGE

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

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

**NEW SECTION. Section 1. State reimbursement for maintenance -- statutory appropriation.** (1)

There is an account to the credit of the board for the maintenance of state veterans' cemeteries established by counties pursuant to 10-2-601(4). At the beginning of each biennium, \$200,000 from the general fund must be transferred to the account, which is statutorily appropriated, as provided in 17-7-502, to the board.

(2) By August 1 of each year, each eligible county shall submit to the board a claim for reimbursement of actual expenses incurred by the county for maintaining the state veterans' cemetery.

(3) After receiving all claims, the board shall allocate the funding available in the maintenance account to each eligible county on a prorated basis, depending on the total money available in the account and the total amount submitted in claims. Allocations must be made within 1 month after the deadline for submitting the claim under subsection (2).

(4) For purposes of this section, an "eligible county" is a county that has designated a county veterans' cemetery as a state veterans' cemetery pursuant to 10-2-601(4).

**Section 2.** Section 10-2-601, MCA, is amended to read:

**"10-2-601. State veterans' cemeteries.** (1) The board shall establish and operate state veterans' cemeteries, except as provided in subsection (4).

(2) A cemetery must be located at Fort William Henry Harrison in Lewis and Clark County, Montana, and at Miles City. A cemetery may be located in Missoula County and in Yellowstone County if funding allows.

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

(4) (a) A county may designate a veterans' cemetery established pursuant to [section 1 of Senate Bill No. 21] as a state veterans' cemetery if the board certifies that the cemetery is operated and maintained under the same standards and interment eligibility criteria as required for a veterans' cemetery established by the board.

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

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

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

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

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-407; 15-13-403; 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; 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; 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; 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; 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; 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; 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; 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; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory

appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates 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 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, 23-4-204, 23-4-302, and 23-4-304 becomes effective July 1, 2007; and pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010.)"

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

**NEW SECTION. Section 5. Contingent voidness.** If Senate Bill No. 21 is not passed and approved, then [this act] is void.

**NEW SECTION. Section 6. Effective date.** [This act] is effective July 1, 2007.

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