

Amendment - 1st Reading/2nd House-blue - Requested by: Ryan Lynch - (S) Finance and Claims

68th Legislature

Drafter: Madelyn Krezowski, (406) 444-6857

HB0081.001.002

1 HOUSE BILL NO. 81
2 INTRODUCED BY B. MITCHELL
3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A STATE VETERANS' CEMETERY IN
6 FLATHEAD COUNTY AS FUNDING ALLOWS; AND AMENDING ~~SECTION~~ SECTIONS 10-2-108, 10-2-601,
7 AND 16-11-119, MCA."
8

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

11 **Section 1.** Section 10-2-108, MCA, is amended to read:

12 **"10-2-108. Veterans and surviving spouses state special revenue account.** (1) There is a
13 veterans and surviving spouses account in the state special revenue fund to be administered by the veterans'
14 affairs division of the department of military affairs. The account consists of revenue deposited pursuant to 16-
15 12-111 and 16-11-119.

16 (2) The account must be used to provide services and assistance for all Montana veterans and
17 surviving spouses and dependents."
18

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

20 **"10-2-601. State veterans' cemeteries.** (1) The board shall establish and operate state veterans'
21 cemeteries, except as provided in subsection (4).

22 (2) A cemetery ~~must be~~ is located at Fort William Henry Harrison in Lewis and Clark County,
23 Montana, at Missoula, and at Miles City. A cemetery may be located in ~~Missoula County~~ and in Yellowstone
24 County and in Columbia Falls in Flathead County if funding allows.

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

26 (4) (a) The board may designate a veterans' cemetery established pursuant to 7-35-2205 as a
27 state veterans' cemetery if:

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- 1 (i) the legislature has authorized the cemetery pursuant to subsection (2) or (3); and
- 2 (ii) the board certifies that the cemetery is operated and maintained under the same standards and
- 3 interment eligibility criteria as required for a state veterans' cemetery established by the board.
- 4 (b) A cemetery designated under this subsection (4) as a state veterans' cemetery must be
- 5 recognized and identified as a state veterans' cemetery on official state maps, in other appropriate state
- 6 publications and websites, and on appropriate state road signs."

7
8 **Section 3.** Section 16-11-119, MCA, is amended to read:

9 **"16-11-119. Disposition of taxes -- statutory appropriation.** (1) A sum equal to the amount
10 necessary to purchase cigarette tax stamps must be deposited to or allocated from the state special revenue
11 fund to the credit of the department from cigarette taxes collected under the provisions of 16-11-111, as
12 provided in subsection (5) of this section.

13 (2) After the deposit or allocation in subsection (1), cigarette taxes collected under the provisions
14 of 16-11-111 must, in accordance with the provisions of 17-2-124, be deposited as follows:

15 (a) 8.3% or \$4 million, whichever is greater, in the state special revenue fund to the credit of the
16 department of public health and human services for the operation and maintenance of state veterans' nursing
17 homes;

18 (b) 2.6% in the major repair long-range building program account provided for in 17-7-221;

19 (c) 44% in the state special revenue fund to the credit of the health and medicaid initiatives
20 account provided for in 53-6-1201; ~~and~~

21 (d) \$150,000 in the veterans and surviving spouses state special revenue account provided for in
22 10-2-108; and

23 ~~(d)~~(e) the remainder to the state general fund.

24 (3) If money in the state special revenue fund for the operation and maintenance of state veterans'
25 nursing homes exceeds \$2 million at the end of the fiscal year, the excess must be transferred to the state
26 general fund.

27 (4) The taxes collected on tobacco products other than cigarettes must in accordance with the

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1 provisions of 17-2-124 be deposited as follows:

2 (a) one-half in the state general fund; and

3 (b) one-half in the state special revenue fund account for health and medicaid initiatives provided
4 for in 53-6-1201.

5 (5) Each fiscal year, a sum equal to the amount of money necessary to purchase cigarette tax
6 stamps is statutorily appropriated, as provided in 17-7-502, from the state special revenue fund allocation in
7 subsection (1) to the department for tax administration responsibilities."

8 - END -