

**HOUSE BILL NO. 97**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GUTTENBERG, Gardner, Kerttula, Kawasaki

Introduced: 1/28/09

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act authorizing the Department of Military and Veterans' Affairs to establish and**  
2 **maintain Alaska veterans' cemeteries, establishing the Alaska veterans' cemetery fund**  
3 **in the general fund, and authorizing appropriation of income from fees for special**  
4 **request plates commemorating Alaska veterans to that cemetery fund."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 28.10.421(d)(16) is amended to read:

7 (16) special request plates commemorating Alaska veterans ..... \$100  
8 plus a fee of \$35 and the fee required for that vehicle under (b), (c), (h), or (i) of this  
9 section; the \$100 fee required by this paragraph shall be collected only on the first  
10 issuance of and the replacement of the commemorative veterans' plates; the \$35 fee  
11 required by this paragraph shall be collected biennially in the same manner as the fee  
12 required under (b), (c), (h), or (i) of this section; the commissioner of administration  
13 shall separately account for the fees received under this paragraph that the department  
14 deposits in the general fund; notwithstanding (g) of this section, the annual estimated

1 balance in the account that is in excess of the cost of issuing special request plates may  
 2 be appropriated by the legislature **to the Alaska veterans' cemetery fund created**  
 3 **under AS 37.05.600 and** for the support of programs benefiting Alaska veterans;

4 \* **Sec. 2.** AS 37.05.146(c) is amended by adding a new paragraph to read:

5 (85) gifts, donations, and grants received by the Department of  
 6 Military and Veterans' Affairs for the purpose of establishing and maintaining Alaska  
 7 veterans' cemeteries under AS 26.10.030 and AS 44.35.035(b).

8 \* **Sec. 3.** AS 37.05 is amended by adding a new section to article 6 to read:

9 **Sec. 37.05.600. Alaska veterans' cemetery fund.** (a) There is created as a  
 10 special account in the general fund the Alaska veterans' cemetery fund into which  
 11 shall be deposited appropriations to the Alaska veterans' cemetery fund.

12 (b) Beginning with the appropriations for the fiscal year beginning July 1,  
 13 2009, on an annual basis and under AS 37.07 (Executive Budget Act), the legislature  
 14 may appropriate amounts from the Alaska veterans' cemetery fund to the Department  
 15 of Military and Veterans' Affairs for the construction, operation, and maintenance of  
 16 the Alaska veterans' cemeteries established under AS 44.35.035.

17 (c) Appropriations to the Alaska veterans' cemetery fund are not one-year  
 18 appropriations and do not lapse under AS 37.25.010.

19 (d) The unexpended and unobligated balance of an appropriation from the  
 20 Alaska veterans' cemetery fund lapses into the Alaska veterans' cemetery fund at the  
 21 end of the fiscal year for which it was appropriated.

22 (e) Nothing in this section exempts money deposited into the Alaska veterans'  
 23 cemetery fund from the requirements of AS 37.07 (Executive Budget Act) or dedicates  
 24 that money for a specific purpose.

25 \* **Sec. 4.** AS 44.35 is amended by adding a new section to read:

26 **Sec. 44.35.035. Alaska veterans' cemeteries.** (a) The department may  
 27 establish and maintain Alaska veterans' cemeteries in the state to serve state veterans  
 28 and spouses and eligible dependents of state veterans.

29 (b) The department may accept gifts, donations, and grants, including land,  
 30 under AS 26.10.030 for the purpose of establishing and maintaining Alaska veterans'  
 31 cemeteries. Land received by the department for an Alaska veterans' cemetery shall be

1 owned by the state.

2 (c) The department shall, in consultation with the Alaska Veterans' Advisory  
3 Council established under AS 44.35.105,

4 (1) adopt regulations for determining individuals eligible for burial in  
5 an Alaska veterans' cemetery;

6 (2) receive the plot or interment allowance on behalf of the state under  
7 38 U.S.C. 2303;

8 (3) comply with all requirements for a state veterans' cemetery grant  
9 established by the United States Department of Veterans Affairs under 38 U.S.C.  
10 2408; and

11 (4) apply to the United States Department of Veterans Affairs for state  
12 veterans' cemetery grants under 38 U.S.C. 2408.

13 (d) The department may

14 (1) adopt regulations necessary to administer Alaska veterans'  
15 cemeteries;

16 (2) enter into agreements for the maintenance and operation of Alaska  
17 veterans' cemeteries with political subdivisions of the state and other persons; and

18 (3) solicit gifts, donations, and grants in addition to a state veterans'  
19 cemetery grant in (c) of this section that may be designated for the establishment and  
20 maintenance of an Alaska veterans' cemetery and received by the department under  
21 AS 26.10.030.

22 (e) In this section, "department" means the Department of Military and  
23 Veterans' Affairs.