Unofficial Copy P1

> 8 9

10

11

12 13 1999 Regular Session (9lr0206)

Speaker.

ENROLLED BILL

-- Commerce and Government Matters/Economic and Environmental Affairs --

Introduced by The Speaker (Administration) and Delegates Conroy, Owings, Mitchell, Linton, Pitkin, Rosenberg, and McKee McKee, Wood, McIntosh, Benson, Dypski, Parrott, Malone, Glassman, DeCarlo, Bronrott, Snodgrass, Clagett, Shank, Mandel, Dobson, Paige, Sophocleus, Riley, Bobo, Brinkley, and Swain

membership of the Commission; authorizing the Maryland Veterans

certain definitions; correcting certain terms; repealing certain obsolete

provisions; defining certain terms; specifying that the publisher of the

Commission to delegate certain powers and duties under certain circumstances;

repealing certain requirements of the Maryland Veterans Commission; revising

Read and Examined by Proofreaders: Proofreader. Proofreader. Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, ____M. CHAPTER 1 AN ACT concerning 2 **Department of Veterans Affairs** 3 FOR the purpose of creating the Department of Veterans Affairs as a principal department of State government; providing for the appointment qualifications, 4 5 powers, duties and salary of the Secretary of Veterans Affairs; organizing the 6 Maryland Veterans Commission, Maryland Veterans' Home Commission, and War Memorial Commission under the Department; providing for the staffing, 7 administration, and duties of the Maryland Veterans Commission; altering the

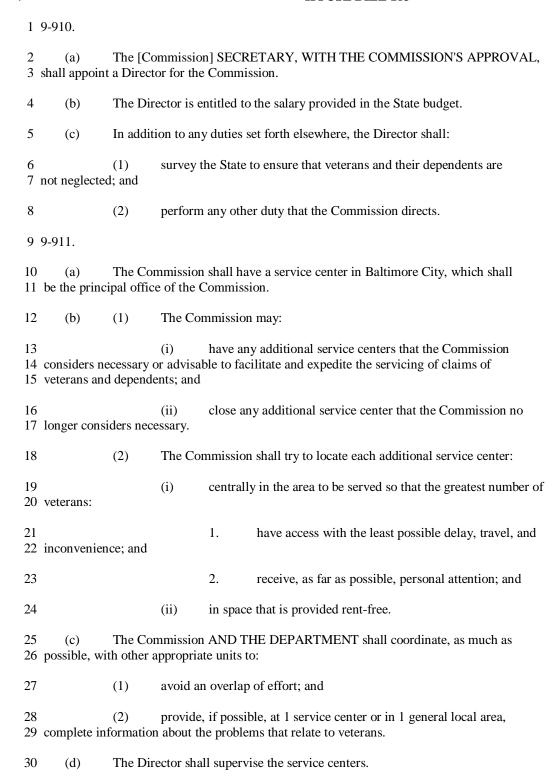
1 2 3 4	Annotated Code of Maryland, in consultation with the Department of Legislative Services, shall correct agency names and titles in the Code to conform to the changes made by this Act; and generally relating to the Department of Veterans Affairs.
5	BY repealing and reenacting, with amendments,
6	Article - State Government
7	Section 8-201; 9-801 through 9-807, inclusive, to be under the new part "Part
8 9	IV. War Memorial Commission"; 9-901 to be under the amended subtitle "Subtitle 9. Department of Veterans Affairs" and the amended part "Part I.
10	Established"; 9-904, 9-905, 9-907, 9-909 through 9-915, inclusive, 9-920,
11	9-913, inclusive, 9-915, 9-920, 9-925, and 9-926
12	Annotated Code of Maryland
13	(1995 Replacement Volume and 1998 Supplement)
14	BY adding to
15	Article - State Government
16	Section 9-902
17 18	Annotated Code of Maryland (1995 Replacement Volume and 1998 Supplement)
10	(1993 Replacement volume and 1998 Supplement)
	BY repealing
20	Article - State Government
21	Section 9-906; and the subtitle designation "Subtitle 8. War Memorial
22 23	Commission" in Title 9 Annotated Code of Maryland
24	(1995 Replacement Volume and 1998 Supplement)
25	BY repealing and reenacting, without amendments,
26	Article - State Government
27	Section 9-908, 9-914, 9-917, 9-918, 9-919, 9-921 through 9-924, inclusive, and
28	9-927 through 9-930, inclusive
29	Annotated Code of Maryland
30	(1995 Replacement Volume and 1998 Supplement)
31	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
32	MARYLAND, That the Laws of Maryland read as follows:
33	Article - State Government
34	8-201.
35	(a) The Executive Branch of the State government shall have not more than
	21 principal departments, each of which shall embrace a broad, functional area of that
	Branch.

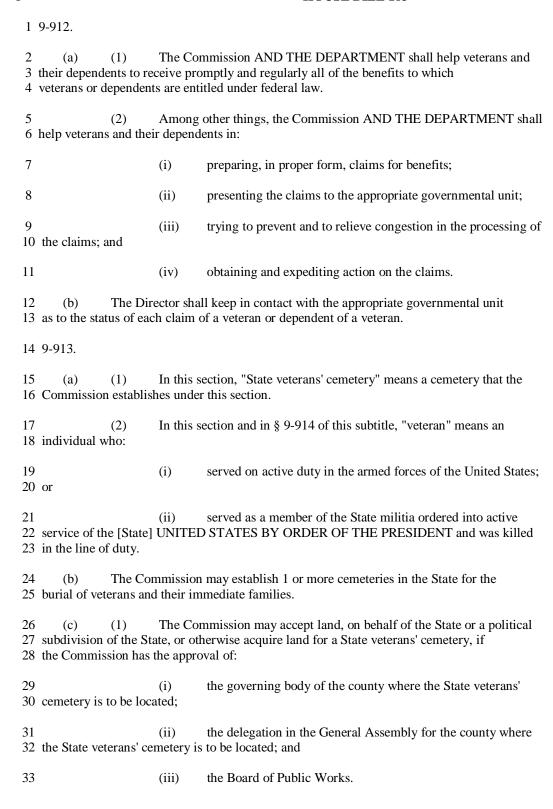
		HOUSE BILL 103
1 (b) 2 government	-	ncipal departments of the Executive Branch of the State
3	(1)	Aging;
4	(2)	Agriculture;
5	(3)	Budget and Management;
6	(4)	Business and Economic Development;
7	(5)	the Environment;
8	(6)	General Services;
9	(7)	Health and Mental Hygiene;
10	(8)	Housing and Community Development;
11	(9)	Human Resources;
12	(10)	Juvenile Justice;
13	(11)	Labor, Licensing, and Regulation;
14	(12)	Natural Resources;
15	(13)	Public Safety and Correctional Services;
16	(14)	State Police; [and]
17	(15)	Transportation; AND
18	(16)	VETERANS AFFAIRS.
19		Subtitle 9. DEPARTMENT OF Veterans AFFAIRS.
20		Part I. [Definition] ESTABLISHED.
21 9-901.		
22 (A) 23 INDICATE		S SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
24 (B)	"DEPA	RTMENT" MEANS THE DEPARTMENT OF VETERANS AFFAIRS.
25 (C)	"SECR	ETARY" MEANS THE SECRETARY OF VETERANS AFFAIRS.
26 (D) 27 subtitle, [in		as otherwise provided in [§§ 9-913 and 9-914] § 9-913 of this citle,] "veteran" means an individual who served on active duty

- 1 in the armed forces of the United States, OTHER THAN FOR TRAINING, AND WAS
- 2 DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE.
- 3 9-902.
- 4 (A) THERE IS A DEPARTMENT OF VETERANS AFFAIRS, ESTABLISHED AS A
- 5 PRINCIPAL DEPARTMENT OF THE STATE GOVERNMENT.
- 6 (B) THE HEAD OF THE DEPARTMENT IS THE SECRETARY OF VETERANS 7 AFFAIRS WHO SHALL BE:
- 8 (1) A VETERAN WHO HAS AN HONORABLE DISCHARGE FROM ACTIVE
- 9 SERVICE WITH A UNIFORMED SERVICE OF THE UNITED STATES; AND
- 10 (2) APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF 11 THE SENATE.
- 12 (C) (1) THE SECRETARY SERVES AT THE PLEASURE OF THE GOVERNOR AND
- 13 IS RESPONSIBLE DIRECTLY TO THE GOVERNOR. THE SECRETARY SHALL ADVISE THE
- 14 GOVERNOR ON ALL MATTERS ASSIGNED TO THE DEPARTMENT AND IS RESPONSIBLE
- 15 FOR CARRYING OUT THE GOVERNOR'S POLICIES ON THESE MATTERS.
- 16 (2) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE
- 17 DEPARTMENT AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE
- 18 THE ORDERLY AND EFFICIENT OPERATION OF THE DEPARTMENT.
- 19 (3) NOTWITHSTANDING SUBJECT TO THE PROVISIONS OF THIS
- 20 SUBTITLE, THE SECRETARY MAY ESTABLISH, REORGANIZE, OR CONSOLIDATE AREAS
- 21 OF RESPONSIBILITY IN THE DEPARTMENT AS NECESSARY TO FULFILL THE DUTIES
- 22 ASSIGNED BY THE SECRETARY.
- 23 (4) THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO
- 24 CARRY OUT THE PROVISIONS OF THIS SUBTITLE.
- 25 (D) THE SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
- 26 BUDGET.
- 27 Part II. Maryland Veterans Commission.
- 28 9-904.
- 29 (a) In this Part II of this [subtitle] SUBTITLE, the following words have the
- 30 meanings indicated.
- 31 (b) "Commission" means the Maryland Veterans Commission.
- 32 (c) "Director" means the Director of the Maryland Veterans MARYLAND
- 33 VETERANS Commission.

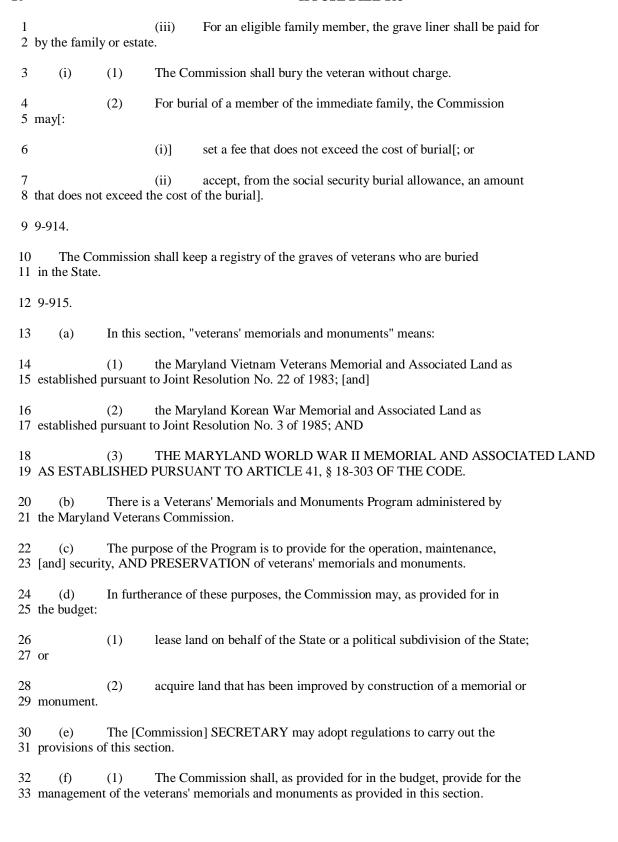
1	9-905.					
2	There is a Maryland Veterans Commission IN THE DEPARTMENT.					
3	[9-906.					
4 5	The Commission is an independent unit and, except by statute, may not be made a part of another unit of the State government.]					
6	9-907.					
7	(a)	(1)	The Cor	nmission	consists of the following 26 28 members:	
8 9	Veterans' Ho	ome Com	(i) mission;		officio member, the Chairman of the Maryland	
10			(ii)	25 <u>27</u> m	embers appointed by the Governor.	
11		(2)	Of the 2	5 <u>27</u> appe	pinted members:	
12 13	the State;		(i)	1 shall b	be appointed from each of the 8 congressional districts in	
14			(ii)	1 shall b	e appointed from the State at large; and	
15 16	ORGANIZ	ATION II	(III) N THE S		L BE A REPRESENTATIVE OF A WOMEN VETERANS ND	
17			(iii)	<u>(IV)</u>	1 shall be appointed from a list of individuals submitted	
18	to the Gove	rnor by ea	ach of the	e followin	ng organizations:	
18		ernor by ea	ach of the	e followin	the American Ex-Prisoners of War, Inc.;	
		ernor by ea	ach of the			
19		rnor by ea	ach of the	1.	the American Ex-Prisoners of War, Inc.;	
19 20		rnor by ea	ach of the	1. 2.	the American Ex-Prisoners of War, Inc.; the American Legion;	
19 20 21		rnor by ea	ach of the	 2. 3. 	the American Ex-Prisoners of War, Inc.; the American Legion; the Amvets;	
19 20 21 22		rnor by ea	ach of the	 1. 2. 3. 4. 	the American Ex-Prisoners of War, Inc.; the American Legion; the Amvets; the Catholic War Veterans;	
19 20 21 22 23		rnor by ea	ach of the	 2. 3. 4. 5. 	the American Ex-Prisoners of War, Inc.; the American Legion; the Amvets; the Catholic War Veterans; the Disabled American Veterans;	
19 20 21 22 23 24		rnor by ea	ach of the	 1. 2. 3. 4. 5. 6. 	the American Ex-Prisoners of War, Inc.; the American Legion; the Amvets; the Catholic War Veterans; the Disabled American Veterans; the Fleet Reserve Association;	
19 20 21 22 23 24 25		rnor by ea	ach of the	 1. 2. 3. 4. 5. 6. 7. 	the American Ex-Prisoners of War, Inc.; the American Legion; the Amvets; the Catholic War Veterans; the Disabled American Veterans; the Fleet Reserve Association; the Jewish War Veterans;	
19 20 21 22 23 24 25 26		rnor by ea	ach of the	 1. 2. 3. 4. 5. 6. 7. 8. 	the American Ex-Prisoners of War, Inc.; the American Legion; the Amvets; the Catholic War Veterans; the Disabled American Veterans; the Fleet Reserve Association; the Jewish War Veterans; the Marine Corps League;	

1 2 AMERICAN VETERANS;	12.	the [Polish-American War Veterans] POLISH LEGION OF
3	13.	the Veterans of Foreign Wars;
4	14.	the Veterans of World War I;
5	15.	the Vietnam Veterans of America; and
6	16.	the Korean War Veterans Association, Inc.: AND
7	<u>17.</u>	THE BLACK VETERANS OF ALL WARS, INC.
		resident of the State and a veteran whose final uniformed service of the United States was
11 (c) (1) The ter	m of an	appointed member is 7 years.
12 (2) The ter 13 terms provided for members		e appointed members are staggered as required by the ommission on October 1, 1984.
14 (3) At the 15 appointed and qualifies.	end of a	term, a member continues to serve until a successor is
16 (4) A mem 17 the rest of the term and until		is appointed after a term has begun serves only for sor is appointed and qualifies.
18 9-908.		
From among the member 20 chairman.	rs of the	Commission, the Governor shall appoint a
21 9-909.		
22 (a) The Commission	n shall d	etermine the times and places of its meetings.
23 (b) A member of th	e Comm	ission:
24 (1) may no	ot receive	e compensation; but
		ion approves, is entitled to reimbursement for avel Regulations, as provided in the State
28 (c) The [Commission 29 STAFF SUPPORT TO THE	on may e COMMI	mploy a staff] DEPARTMENT SHALL PROVIDE ISSION in accordance with the State budget.



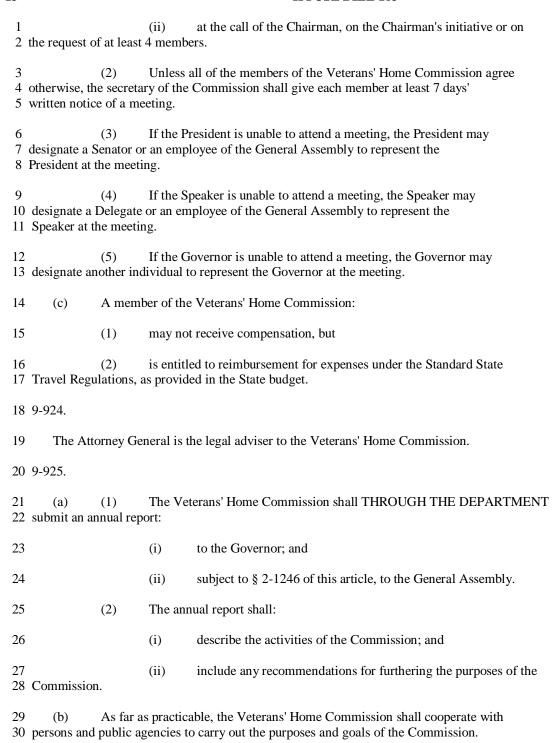


1 2	Commission	(2) shall give		ing a location for a proposed State veterans' cemetery, the to land that is near a national memorial battle site.
3	(d) cemetery.	(1)	The Con	mmission shall maintain and supervise each State veterans'
5 6	supervision of	(2) of the Cor		shington Cemetery Board of Trustees shall be under the
			vide a plo	to the limitations in paragraph (2) of this subsection, the ot in a State veterans' cemetery, without charge, to an ements of this section.
			n shall al	der in which the Commission receives the applications for lot a plot in the State veterans' cemetery that is closest and has an available plot.
	(f) be a veteran requirement		nber of th	fy for a plot in a State veterans' cemetery, the applicant must be immediate family of a veteran who meets the n.
16 17	forces.	(2)	The vete	eran must have an honorable discharge from the armed
18		(3)	The vete	eran must have been a resident of the State:
19			(i)	when the veteran entered the armed forces;
20			(ii)	when the veteran died; or
21 22	compelling,	the Com	(iii) mission v	for 20 years, unless, for a reason that the Commission finds waives the time period.
23 24	(g) the Commis			n a State veterans' cemetery, an applicant shall submit to n on the form that the Commission provides.
25	(h)	(1)	In a plot	that is allotted to a veteran, the Commission shall bury:
26			(i)	the veteran; and
27 28	member can	be burie	(ii) d in a spa	any member of the immediate family of the veteran if the family ace above or below the veteran.
	to exceed \$1 allow for int		(i) st, subject	With each plot, the Commission shall provide 1 grave liner not to an annual increase of not more than 5 percent to
32 33	liner.		(ii)	For an eligible veteran, the Commission shall pay for the grave



		2) THE COMMISSION MAY DELEGATE ANY OF ITS POSSECTION TO A SPECIAL COMMISSION OR BOARD CREA'N AND APPROVED BY THE GOVERNOR.	
4 5	(g) purposes spe	The Commission may acquire, hold, use, and improve property for fied in subsection (c) of this section.	the
6 7	(h) Commission	Subject to Title 7 of the State Finance and Procurement Article, the nay:	
8		1) accept gifts or grants;	
9 10	grant; and	2) unless otherwise provided, spend the principal and income	of a gift or
11 12	State or any	3) invest all or part of the principal income in general obligat ther security.	ions of the
13		Part III. Maryland Veterans' Home Commission.	
14	9-917.		
15 16		rt III of this subtitle, "Home" means the home for veterans that the terans' Home Commission supervises.	
17	9-918.		
18 19		The purposes of the Maryland Veterans' Home Commission are to e in the State a home for veterans.	operate
20 21	` /	The General Assembly declares the purposes of the Maryland Vete ission to be of general benefit to the veterans of the State.	rans'
22	9-919.		
23	This Par	III of this subtitle does not limit any power or activity of:	
24		1) a unit of the State government;	
25		2) a political subdivision of the State; or	
26		3) any person who is interested in veterans in the State.	
27	9-920.		
28	There is	Maryland Veterans' Home Commission IN THE DEPARTMENT	
29	9-921.		
30	(a)	The Veterans' Home Commission consists of the following 15 mem	nbers:

1 2 c	onsent of th	(1) e Senate;		duals appointed by the Governor with the advice and
3		(2)	as ex off	icio members:
4			(i)	the Governor;
5			(ii)	the President of the Senate;
6			(iii)	the Speaker of the House of Delegates; and
7			(iv)	the Chairman of the Maryland Veterans Commission.
8	(b)	(1)	The term	n of an appointed member is 4 years.
9 10 1	terms provid	(2) led for m		ns of the appointed members are staggered as required by the f the Veterans' Home Commission on October 1, 1984.
11 12 a	appointed ar	(3) nd qualifi		nd of a term, a member continues to serve until a successor is
13 14 1	the rest of th	(4) ne term ar		er who is appointed after a term has begun serves only for successor is appointed and qualifies.
	(c) Veterans' Ho have a broad	ome Com	mission,	cable and is consistent with the purposes and goals of the the Governor shall choose appointed members so as to among:
18		(1)	veterans	and veterans' groups; and
19		(2)	the geogr	raphical areas of the State.
20 9	9-922.			
	(a) chairman, a appropriate.			nembers, the Veterans' Home Commission shall elect a other officers that the Commission considers
24 25	(b) Veterans' Ho			ection of officers and their terms of office shall be as the determines.
26 9	9-923.			
27 28 1	(a) business.	Seven m	nembers o	f the Veterans' Home Commission are a quorum to do
29	(b)	(1)	The Vete	erans' Home Commission shall meet:
30 31 a	and		(i)	at least twice a year, at the times and places that it determines;



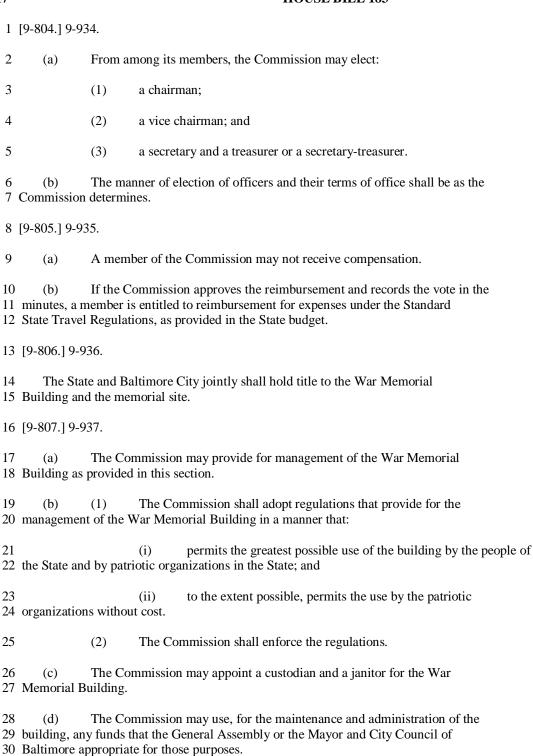
1 9-926.

2	(a) The SECRETARY add	Veterans' Home Commission may WITH THE APPROVAL OF THE opt regulations to:
4	(1)	govern itself; and
5	(2)	carry out the purposes and goals of the Commission.
6 7	(b) (1) action to carry out	The Veterans' Home Commission may take any necessary and proper a specific power under this Part III of this subtitle.
8 9	(2) Veterans' Home C	Subject to the legislative purposes of this Part III of this subtitle, the ommission may make contracts and other legal agreements.
10 11	()	The Veterans' Home Commission may delegate any of its powers to a more of its members or to the Commandant of the Home.
12 13	()	If the Veterans' Home Commission delegates any power to a nembers, the committee:
14 15	Commission; and	(i) may not incur any expenses without the consent of the
		(ii) at each regular meeting of the Commission or more often as it not to the Commission a report on any action that the committee has report.
19	9-927.	
19 20		Veterans' Home Commission shall:
20 21		maintain and supervise generally the Home in accordance with this
20 21 22 23	(a) The (1) Part III of this sub	maintain and supervise generally the Home in accordance with this
20 21 22 23 24 25	(a) The (1) Part III of this sub (2) including regulati (b) (1)	maintain and supervise generally the Home in accordance with this stitle; and adopt any regulation that is needed for management of the Home,
20 21 22 23 24 25 26 27 28	(a) The (1) Part III of this sub (2) including regulati (b) (1) Home and employ	maintain and supervise generally the Home in accordance with this stitle; and adopt any regulation that is needed for management of the Home, ons for admission, maintenance, and discharge of its residents. The Veterans' Home Commission may appoint a Commandant for the
20 21 22 23 24 25 26 27 28 29 30 31	(a) The (1) Part III of this sub (2) including regulation (b) (1) Home and employ (2) shall give preferent forces.	maintain and supervise generally the Home in accordance with this stitle; and adopt any regulation that is needed for management of the Home, ons for admission, maintenance, and discharge of its residents. The Veterans' Home Commission may appoint a Commandant for the any other staff that is needed to manage the Home properly. In appointing or employing staff, the Veterans' Home Commission

1			(i)	serve at	the ple	easure of th	ne Vetera	ns' Hom	e Commission	; and
2 3	requires.		(ii)	perform	any du	ıty that the	e Veteran	s' Home	Commission	
6	responsibility strictly accou employs.		loying st	aff, the C	Commis	ssion shall	hold the	Comma		
8	9-928.									
9 10	(a) applicable la			_	-			Home Co	ommission and	
11		(1)	has an h	onorable	discha	rge from t	he armed	l forces;	and	
12		(2)	is a resid	dent of th	e State	.				
13 14	(b) reasonable fe	(1) se for res				ommission	may cha	rge an in	idividual a	
17	the ability of maintaining necessary an	the resid	ridual to pent in the	pay. How Home a	ever, t	he fee may	not exce	eed the c		vith
19 20	(c) Veterans' Ho						e with th	e regulat	tions of the	
21	9-929.									
22 23	(a) Commission								Commission, th	ie
24 25	(b) or goals of the							carry ou	at the purposes	
26		(1)	may acc	ept a gift	or gra	nt; and				
27 28	affirmative v	(2) ote of at				ft or grant i Commissio		therwise,	, on an	
29			(i)	spend th	ne princ	cipal and in	ncome of	the gift	or grant; or	
30			(ii)	invest al	ll or pa	rt of the pi	rincipal a	nd incon	ne in:	
31				1.	genera	al obligation	ons of the	e State; o	or	
32				2.	any of	ther securi	ty.			

3	commercial j	purpose t	se any par hat is cor	ion to any other power under this section, the Veterans' Home rt of its property for use as a concession or other asistent with the purposes of the Commission. However, its property merely for investment purposes.			
5 6	for redemption	(2) on by the		standing any other law, unless the lease expressly provides he lease is not subject to redemption.			
7	9-930.						
		nission bu		to provide capital or operating funds for the Veterans' opropriate money for the purposes and goals of the			
11				[Subtitle 8. War Memorial Commission.]			
12				PART IV. WAR MEMORIAL COMMISSION.			
13	[9-801.] 9-9	31.					
14 15	In this P Commission		OF THIS	S subtitle, "Commission" means the War Memorial			
16	[9-802.] 9-9	32.					
17 18	7 There is a War Memorial Commission in the Department of [General Services] 8 VETERANS AFFAIRS.						
19	[9-803.] 9-9	33.					
20	(a)	(1)	The Cor	mmission consists of 10 members.			
21		(2)	Of the 1	0 Commission members:			
22 23	VETERANS	S AFFAI	(i) RS, with	5 shall be appointed by the Secretary of [General Services] the approval of the Governor; and			
24			(ii)	5 shall be appointed by the Mayor of Baltimore City.			
25	(b)	Each me	ember mu	ast be a Maryland war veteran.			
26	(c)	(1)	The term	n of a member is 5 years.			
27 28		(2) member		ns of a member are staggered as required by the terms Commission on October 1, 1984.			
29 30	appointed ar	(3) nd qualifi		nd of a term, a member continues to serve until a successor is			
31 32	the rest of th	(4) ne term an		per who is appointed after a term has begun serves only for successor is appointed and qualifies.			

31



SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the 32 Annotated Code of Maryland, subject to the approval of the Department of Legislative

- $1\,$ Services, shall correct any agency names and titles throughout the Code that are $2\,$ rendered incorrect by this Act.
- 3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 October 1, 1999.