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1999 Regular Session 9lr0206 CF 9lr0197

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

Introduced and read first time: February 1, 1999 Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 1999

CHAPTER

1 AN ACT concerning

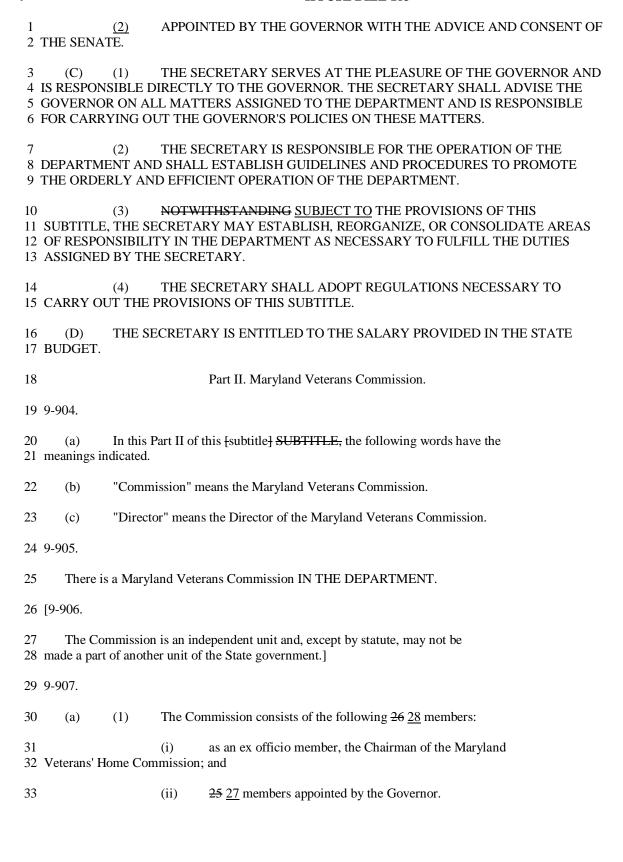
2	Department of Veterans Affairs

- 3 FOR the purpose of creating the Department of Veterans Affairs as a principal
- department of State government; providing for the appointment qualifications, 4
- powers, duties and salary of the Secretary of Veterans Affairs; organizing the 5
- Maryland Veterans Commission, Maryland Veterans' Home Commission, and 6
- 7 War Memorial Commission under the Department; providing for the staffing,
- administration, and duties of the Maryland Veterans Commission; altering the 8
- membership of the Commission; authorizing the Maryland Veterans 9
- 10 Commission to delegate certain powers and duties under certain circumstances;
- 11 repealing certain requirements of the Maryland Veterans Commission; revising
- 12 certain definitions; correcting certain terms; repealing certain obsolete
- provisions; defining certain terms; specifying that the publisher of the 13
- 14 Annotated Code of Maryland, in consultation with the Department of
- 15 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 16
- 17 Department of Veterans Affairs.
- 18 BY repealing and reenacting, with amendments,
- Article State Government 19
- 20 Section 8-201; 9-801 through 9-807, inclusive, to be under the new part "Part
- IV. War Memorial Commission"; 9-901 to be under the amended subtitle 21
- "Subtitle 9. Department of Veterans Affairs" and the amended part "Part I. 22
- Established"; 9-904, 9-905, 9-907, 9-909 through 9-915, inclusive, 9-920, 23

			HOUSE BILL 103
1 2 3		ed Code	nclusive, 9-915, 9-920, 9-925, and 9-926 of Maryland ent Volume and 1998 Supplement)
4 5 6 7 8	Section Annotat	State Go 9-902 ed Code	overnment of Maryland ent Volume and 1998 Supplement)
9 10 11 12 13	Section Annotat	State Go 9-906; an Commisted Code	overnment nd the subtitle designation "Subtitle 8. War Memorial ssion" in Title 9 of Maryland ent Volume and 1998 Supplement)
15 16 17 18 19 20	Article - Section Annotat	- State Go 9-908, <u>9-</u> 9-927 the ed Code	enacting, without amendments, overnment 9-914, 9-917, 9-918, 9-919, 9-921 through 9-924, inclusive, and brough 9-930, inclusive of Maryland ent Volume and 1998 Supplement)
21 22			IT ENACTED BY THE GENERAL ASSEMBLY OF the Laws of Maryland read as follows:
23			Article - State Government
24	8-201.		
	` '		ecutive Branch of the State government shall have not more than ents, each of which shall embrace a broad, functional area of that
28 29	(b) government		ncipal departments of the Executive Branch of the State
30		(1)	Aging;
31		(2)	Agriculture;
32		(3)	Budget and Management;
33		(4)	Business and Economic Development;
34		(5)	the Environment;

	(6)							
1	(6)	General Services;						
2	(7)	Health and Mental Hygiene;						
3	(8)	Housing and Community Development;						
4	(9)	Human Resources;						
5	(10)	Juvenile Justice;						
6	(11)	Labor, Licensing, and Regulation;						
7	(12)	Natural Resources;						
8	(13)	Public Safety and Correctional Services;						
9	(14)	State Police; [and]						
10	(15)	Transportation; AND						
11	(16)	VETERANS AFFAIRS.						
12		Subtitle 9. DEPARTMENT OF Veterans AFFAIRS.						
13	Part I. [Definition] ESTABLISHED.							
14 9-901.	14 9-901.							
15 (A) 16 INDICATE	15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS 16 INDICATED.							
17 (B)	"DEPA	RTMENT" MEANS THE DEPARTMENT OF VETERANS AFFAIRS.						
18 (C)	"SECR	ETARY" MEANS THE SECRETARY OF VETERANS AFFAIRS.						
21 in the arme	this subt	as otherwise provided in [§§ 9-913 and 9-914] § 9-913 of this itle,] "veteran" means an individual who served on active duty of the United States, OTHER THAN FOR TRAINING, AND WAS RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE.						

- 23 9-902.
- THERE IS A DEPARTMENT OF VETERANS AFFAIRS, ESTABLISHED AS A 24 (A)
- 25 PRINCIPAL DEPARTMENT OF THE STATE GOVERNMENT.
- 26 (B) THE HEAD OF THE DEPARTMENT IS THE SECRETARY OF VETERANS
- 27 AFFAIRS WHO SHALL BE:
- 28 (1) A VETERAN WHO HAS AN HONORABLE DISCHARGE FROM ACTIVE 29 SERVICE WITH A UNIFORMED SERVICE OF THE UNITED STATES; AND

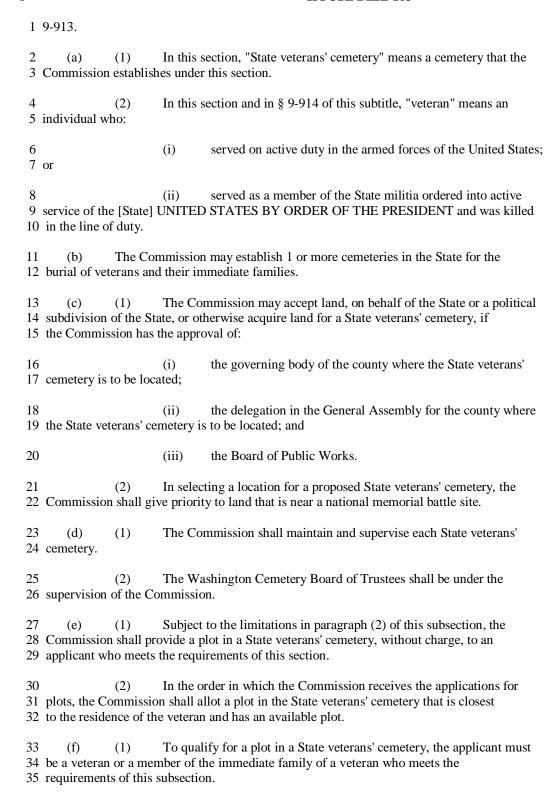


1	(2)	Of the 2	5 <u>27</u> app	pinted members:
2	the State;	(i)	1 shall b	e appointed from each of the 8 congressional districts in
4		(ii)	1 shall b	e appointed from the State at large; and
5 6	ORGANIZATION IN	(III) THE ST		L BE A REPRESENTATIVE OF A WOMEN VETERANS ND
7 8	to the Governor by eac	(iii) h of the	(IV) followin	1 shall be appointed from a list of individuals submitted g organizations:
9			1.	the American Ex-Prisoners of War, Inc.;
10			2.	the American Legion;
11			3.	the Amvets;
12			4.	the Catholic War Veterans;
13			5.	the Disabled American Veterans;
14			6.	the Fleet Reserve Association;
15			7.	the Jewish War Veterans;
16			8.	the Marine Corps League;
17			9.	the Maryland Retired Officers Association;
18			10.	the Military Order of the Purple Heart;
19			11.	the Pearl Harbor Survivors Association;
20 21	AMERICAN VETER	ANS;	12.	the [Polish-American War Veterans] POLISH LEGION OF
22			13.	the Veterans of Foreign Wars;
23			14.	the Veterans of World War I;
24			15.	the Vietnam Veterans of America; and
25			16.	the Korean War Veterans Association, Inc.; AND
26			<u>17.</u>	THE BLACK VETERANS OF ALL WARS, INC.
27 28				esident of the State and a veteran whose final

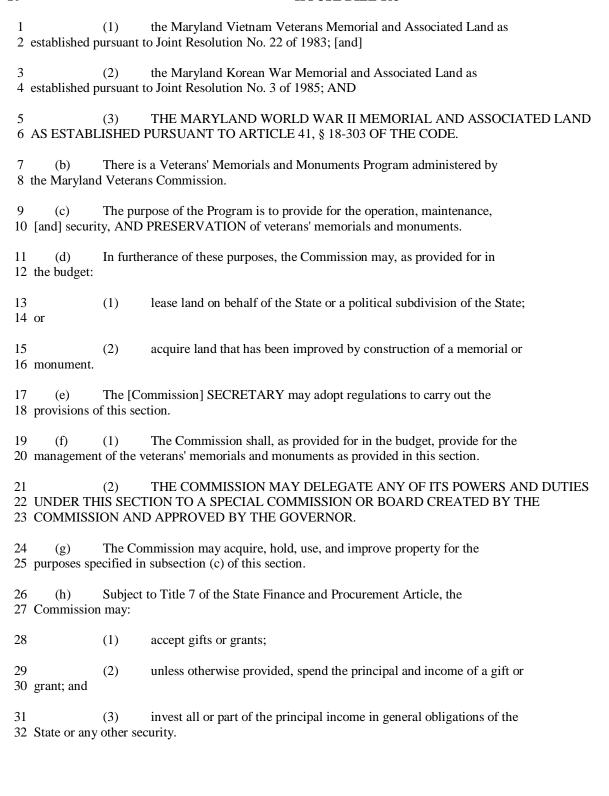
29 under honorable conditions.

1	(c)	(1)	The term of an appointed member is 7 years.
2	terms provide	(2) ed for me	The terms of the appointed members are staggered as required by the embers of the Commission on October 1, 1984.
4 5	appointed and	(3) d qualifie	At the end of a term, a member continues to serve until a successor is es.
6 7	the rest of the	(4) e term an	A member who is appointed after a term has begun serves only for d until a successor is appointed and qualifies.
8	9-908.		
9 10	From an chairman.	nong the	members of the Commission, the Governor shall appoint a
11	9-909.		
12	(a)	The Cor	nmission shall determine the times and places of its meetings.
13	(b)	A memb	per of the Commission:
14		(1)	may not receive compensation; but
		(2) der the S	if the Commission approves, is entitled to reimbursement for tandard State Travel Regulations, as provided in the State
18 19			ommission may employ a staff] DEPARTMENT SHALL PROVIDE TO THE COMMISSION in accordance with the State budget.
20	9-910.		
21 22			ommission] SECRETARY, WITH THE COMMISSION'S APPROVAL, tor for the Commission.
23	(b)	The Dir	ector is entitled to the salary provided in the State budget.
24	(c)	In additi	ion to any duties set forth elsewhere, the Director shall:
25 26	not neglected	(1) d; and	survey the State to ensure that veterans and their dependents are
27		(2)	perform any other duty that the Commission directs.
28	9-911.		
29 30	` /		mmission shall have a service center in Baltimore City, which shall e of the Commission.
31	(b)	(1)	The Commission may:

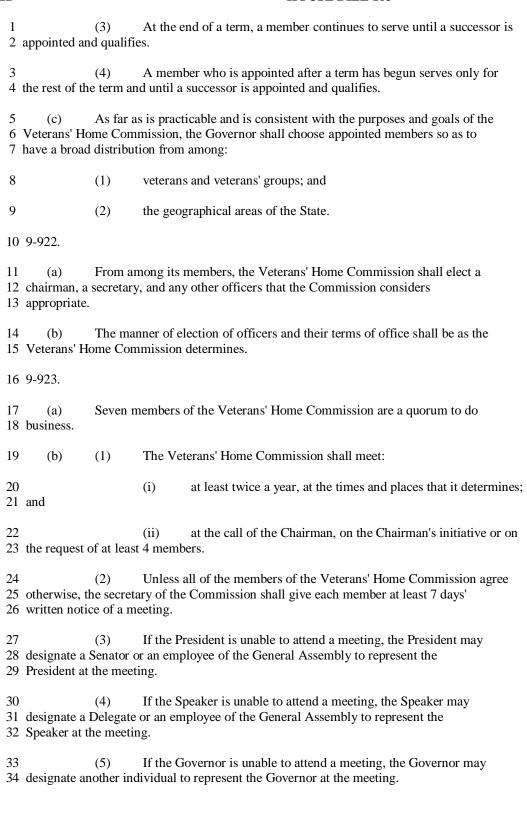
	considers necessary oveterans and depende		have any additional service centers that the Commission le to facilitate and expedite the servicing of claims of
4 5	longer considers nece	(ii) essary.	close any additional service center that the Commission no
6	(2)	The Cor	mmission shall try to locate each additional service center:
7 8	veterans:	(i)	centrally in the area to be served so that the greatest number of
9 10	inconvenience; and		1. have access with the least possible delay, travel, and
11			2. receive, as far as possible, personal attention; and
12		(ii)	in space that is provided rent-free.
13 14	(c) The Corpossible, with other a		AND THE DEPARTMENT shall coordinate, as much as te units to:
15	(1)	avoid ar	n overlap of effort; and
16 17	(2) complete information		if possible, at 1 service center or in 1 general local area, are problems that relate to veterans.
18	(d) The Dir	ector sha	Il supervise the service centers.
19	9-912.		
		eceive pro	mmission AND THE DEPARTMENT shall help veterans and omptly and regularly all of the benefits to which ittled under federal law.
23 24	(2) help veterans and the		other things, the Commission AND THE DEPARTMENT shallents in:
25		(i)	preparing, in proper form, claims for benefits;
26		(ii)	presenting the claims to the appropriate governmental unit;
27 28	the claims; and	(iii)	trying to prevent and to relieve congestion in the processing of
29		(iv)	obtaining and expediting action on the claims.
30 31			Il keep in contact with the appropriate governmental unit of a veteran or dependent of a veteran.



1 2	forces.	(2)	The vete	eran must have an honorable discharge from the armed
3		(3)	The vete	eran must have been a resident of the State:
4			(i)	when the veteran entered the armed forces;
5			(ii)	when the veteran died; or
6 7	compelling,	the Comr	(iii) nission w	for 20 years, unless, for a reason that the Commission finds vaives the time period.
8 9	(g) the Commiss		-	n a State veterans' cemetery, an applicant shall submit to on the form that the Commission provides.
10	(h)	(1)	In a plot	that is allotted to a veteran, the Commission shall bury:
11			(i)	the veteran; and
12 13	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
17 18	liner.		(ii)	For an eligible veteran, the Commission shall pay for the grave
19 20	by the famil	y or estat	(iii) te.	For an eligible family member, the grave liner shall be paid for
21	(i)	(1)	The Cor	nmission shall bury the veteran without charge.
22 23	may[:	(2)	For buri	al of a member of the immediate family, the Commission
24			(i)]	set a fee that does not exceed the cost of burial[; or
25 26	that does no	t exceed	(ii) the cost o	accept, from the social security burial allowance, an amount f the burial].
27	9-914.			
28 29	The Cor in the State.	nmission	shall kee	ep a registry of the graves of veterans who are buried
30	9-915.			
31	(a)	In this s	ection "v	veterans' memorials and monuments" means:



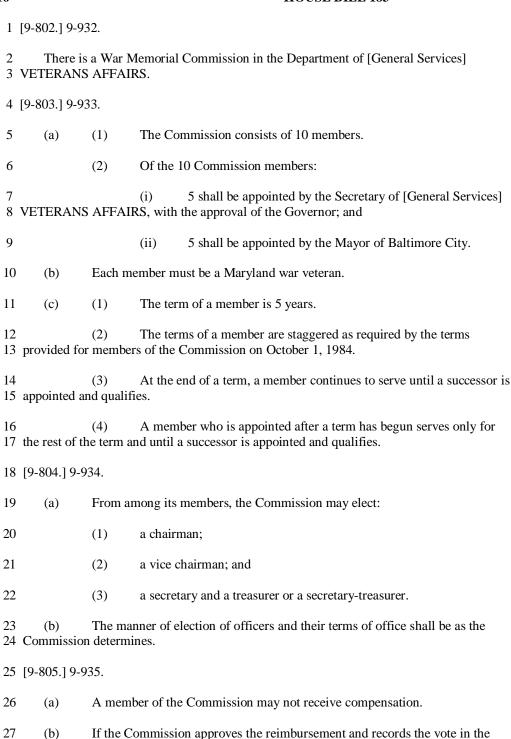
1				Part III. Maryland Veterans' Home Commission.
2	9-917.			
3				itle, "Home" means the home for veterans that the mmission supervises.
5	9-918.			
6 7	(a) and to mana			the Maryland Veterans' Home Commission are to operate ome for veterans.
8	(b) Home Comm			embly declares the purposes of the Maryland Veterans' neral benefit to the veterans of the State.
10	9-919.			
11	This Par	rt III of tl	nis subtitl	e does not limit any power or activity of:
12		(1)	a unit of	f the State government;
13		(2)	a politic	eal subdivision of the State; or
14		(3)	any pers	son who is interested in veterans in the State.
15	9-920.			
16	There is	a Maryla	and Veter	rans' Home Commission IN THE DEPARTMENT.
17	9-921.			
18	(a)	The Vet	terans' Ho	ome Commission consists of the following 15 members:
19 20	consent of the	(1) he Senate		viduals appointed by the Governor with the advice and
21		(2)	as ex of	ficio members:
22			(i)	the Governor;
23			(ii)	the President of the Senate;
24			(iii)	the Speaker of the House of Delegates; and
25			(iv)	the Chairman of the Maryland Veterans Commission.
26	(b)	(1)	The terr	n of an appointed member is 4 years.
27 28	terms provid	(2)		ms of the appointed members are staggered as required by the



1	(c) A me	ember of the	e Veterans' Home Commission:
2	(1)	may no	t receive compensation, but
3	(2) Travel Regulations		ed to reimbursement for expenses under the Standard State ed in the State budget.
5	9-924.		
6	The Attorney	General is t	he legal adviser to the Veterans' Home Commission.
7	9-925.		
8	(a) (1) submit an annual re		terans' Home Commission shall THROUGH THE DEPARTMENT
10		(i)	to the Governor; and
11		(ii)	subject to § 2-1246 of this article, to the General Assembly.
12	(2)	The ann	nual report shall:
13		(i)	describe the activities of the Commission; and
14 15	Commission.	(ii)	include any recommendations for furthering the purposes of the
16 17			able, the Veterans' Home Commission shall cooperate with o carry out the purposes and goals of the Commission.
18	9-926.		
19 20	(a) The V SECRETARY add		ome Commission may WITH THE APPROVAL OF THE ons to:
21	(1)	govern	itself; and
22	(2)	carry or	at the purposes and goals of the Commission.
23 24	(b) (1) action to carry out		terans' Home Commission may take any necessary and proper power under this Part III of this subtitle.
25 26	(2) Veterans' Home C		to the legislative purposes of this Part III of this subtitle, the may make contracts and other legal agreements.
27 28	(c) (1) committee of 1 or		terans' Home Commission may delegate any of its powers to a members or to the Commandant of the Home.
29 30	(2) committee of its m		eterans' Home Commission delegates any power to a e committee:

1 2	Commission; and	(i)	may not incur any expenses without the consent of the
	directs, shall submitaken since its last		at each regular meeting of the Commission or more often as it ommission a report on any action that the committee has
6	9-927.		
7	(a) The V	eterans' F	Home Commission shall:
8 9	(1) Part III of this subti		ain and supervise generally the Home in accordance with this
10 11	(2) including regulation		any regulation that is needed for management of the Home, mission, maintenance, and discharge of its residents.
12 13	(-)		eterans' Home Commission may appoint a Commandant for the staff that is needed to manage the Home properly.
	shall give preferen forces.		ointing or employing staff, the Veterans' Home Commission teran who has an honorable discharge from the armed
	(3) of the Home in an for the service.		eterans' Home Commission shall set the salary for each official at does not exceed the salary paid by similar institutions
20	(4)	The Co	ommandant shall:
21		(i)	serve at the pleasure of the Veterans' Home Commission; and
22 23	requires.	(ii)	perform any duty that the Veterans' Home Commission
26		mploying	Veterans' Home Commission delegates to the Commandant staff, the Commission shall hold the Commandant ctions of each individual whom the Commandant
28	9-928.		
29 30			with the regulations of the Veterans' Home Commission and all be open to a veteran who:
31	(1)	has an	honorable discharge from the armed forces; and
32	(2)	is a res	sident of the State.
33 34	(b) (1) reasonable fee for		eterans' Home Commission may charge an individual a in the Home.

3	(2) The Veterans' Home Commission shall set the fee in accordance we the ability of an individual to pay. However, the fee may not exceed the cost of maintaining the resident in the Home and shall allow the resident enough money for necessary and incidental expenses.	vith
5 6	(c) A resident may be discharged in accordance with the regulations of the Veterans' Home Commission and applicable law.	
7	9-929.	
8 9	(a) To carry out the purposes and goals of the Veterans' Home Commission, the Commission may acquire, hold, use, improve, and convey property.	e
10 11	(b) In addition to any other power under this section, to carry out the purposes or goals of the Veterans' Home Commission, the Commission:	
12	(1) may accept a gift or grant; and	
13 14	(2) unless the terms of a gift or grant require otherwise, on an affirmative vote of at least 7 members of the Commission, may:	
15	(i) spend the principal and income of the gift or grant; or	
16	(ii) invest all or part of the principal and income in:	
17	1. general obligations of the State; or	
18	2. any other security.	
21	(c) (1) In addition to any other power under this section, the Veterans' Ho Commission may lease any part of its property for use as a concession or other commercial purpose that is consistent with the purposes of the Commission. However, the Commission may not lease its property merely for investment purposes.	me
23 24	(2) Notwithstanding any other law, unless the lease expressly provides for redemption by the tenant, the lease is not subject to redemption.	S
25	9-930.	
	The State is not obligated to provide capital or operating funds for the Veterans' Home Commission but may appropriate money for the purposes and goals of the Commission.	
29	[Subtitle 8. War Memorial Commission.]	
30	PART IV. WAR MEMORIAL COMMISSION.	
31	[9-801.] 9-931.	
32 33	In this PART IV OF THIS subtitle, "Commission" means the War Memorial Commission.	



28 minutes, a member is entitled to reimbursement for expenses under the Standard

29 State Travel Regulations, as provided in the State budget.

- 1 [9-806.] 9-936.
- 2 The State and Baltimore City jointly shall hold title to the War Memorial
- 3 Building and the memorial site.
- 4 [9-807.] 9-937.
- 5 (a) The Commission may provide for management of the War Memorial
- 6 Building as provided in this section.
- 7 (b) (1) The Commission shall adopt regulations that provide for the
- 8 management of the War Memorial Building in a manner that:
- 9 (i) permits the greatest possible use of the building by the people of
- 10 the State and by patriotic organizations in the State; and
- 11 (ii) to the extent possible, permits the use by the patriotic
- 12 organizations without cost.
- 13 (2) The Commission shall enforce the regulations.
- 14 (c) The Commission may appoint a custodian and a janitor for the War
- 15 Memorial Building.
- 16 (d) The Commission may use, for the maintenance and administration of the
- 17 building, any funds that the General Assembly or the Mayor and City Council of
- 18 Baltimore appropriate for those purposes.
- 19 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the
- 20 Annotated Code of Maryland, subject to the approval of the Department of Legislative
- 21 Services, shall correct any agency names and titles throughout the Code that are
- 22 rendered incorrect by this Act.
- 23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 24 October 1, 1999.