

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1384 (Chairman, Health and Government Operations Committee)
(By Request – Departmental – Veterans Affairs)

Health and Government Operations

Maryland Department of Veterans Affairs - Revisions

This departmental bill clarifies the operational and administrative authority of the Maryland Department of Veterans Affairs (MDVA) as it relates to (1) the operation of veterans' service centers; (2) helping veterans and their dependents receive prompt and regular benefits to which they are entitled under federal law; (3) establishing and maintaining State veterans' cemeteries; (4) maintaining a registry of veterans' graves and their family members who are buried in State veterans' cemeteries; (5) administering the Veterans Memorials and Monuments Program; and (6) maintaining veterans' homes.

Additionally, the bill changes the composition of the Maryland Veterans Commission and specifies that its function is to advise MDVA on all issues pertaining to veterans. Furthermore, the bill changes the composition of the Maryland Veterans Home Commission and specifies that its purpose is to advise MDVA on matters related to State veterans' homes.

Fiscal Summary

State Effect: Clarifying the operational and administrative authority of MDVA would not materially impact State finances. The bill generally codifies current practice.

Local Effect: None.

Small Business Effect: MDVA has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Bill Summary: This bill places the operational and administrative authority for veterans' service centers under the Secretary of Veterans Affairs rather than under the Maryland Veterans Commission. Furthermore, it abolishes the position of Director of the Maryland Veterans Commission and creates the position of Director of Veterans Service Centers. The director is responsible for the supervision of the service centers; the director's duties include maintaining contact with the appropriate governmental unit regarding the status of each claim of a veteran or eligible dependent.

Additionally, the bill places the operation of State veterans' cemeteries under the control of the Secretary of Veterans Affairs rather than the Maryland Veterans Commission. It clarifies that only those veterans who served honorably and who meet specified requirements, as well as the eligible spouse or dependent of a qualified veteran (as authorized by the Secretary of Veterans Affairs), may be interred at a State veterans' cemetery. The bill also changes the residency requirement for a veteran to be buried at a State cemetery from 20 to 2 years. The bill also repeals the maximum cost of a grave liner that MDVA may purchase for a veteran who is to be interred at a State cemetery.

The membership of the Maryland Veterans Commission is reduced from 30 to 27 and the term of office for each member is reduced from seven to five years. Furthermore, it requires that when an organization is no longer part of the commission, the appointment terminates at the end of the incumbent's term. A new organization may not be approved by the General Assembly unless it is Congressionally chartered.

Moreover, the bill places the operational and administrative functions for veterans' homes under MDVA rather than the Maryland Veterans Home Commission. The bill also changes the title of Commandant for the Home to Director for the Home. Furthermore, it permits a spouse of an eligible veteran to live at a veterans' home.

The membership of the Maryland Veterans Home Commission is reduced from 15 to 14 by removing the Chairman of the Maryland Veterans Commission from the commission. The term of office for each member is increased from four to five years. Additionally, with the approval of the Secretary of Veterans Affairs, the Veterans Home Commission may adopt procedures to govern itself and to carry out its responsibilities. The Veterans Home Commission, however, may not incur any expenses without the consent of MDVA, and it must submit reports to MDVA on any action the commission has taken since its last report.

Current Law: The Secretary of Veterans Affairs is responsible for the operation of the department and must establish guidelines and procedures to promote the orderly and efficient operation of the department.

The Maryland Veterans Commission is responsible for: (1) operating veterans' service centers; (2) helping veterans and their dependents receive prompt and regular benefits to which they are entitled under federal law (in conjunction with MDVA); (3) establishing and maintaining cemeteries for the burial of veterans and their immediate families; (4) maintaining a registry of graves of veterans who are buried in the State; and (5) administering the memorials and monuments program. The commission has 30 members, including 29 appointed by the Governor from specified organizations and the State's eight congressional districts; the term of office for each member is seven years.

The Maryland Veterans Home Commission is responsible for maintaining and supervising the veterans' home for veterans who are residents of the State and received an honorable discharge from the armed forces. The commission has 15 members, including 11 appointed by the Governor with the advice and consent of the Senate; the term of office for each member is four years.

A spouse of a qualified veteran is not authorized to be a resident of a veterans' home. A qualified veteran must be a resident of Maryland for at least 20 years to qualify for a burial plot at a State veterans' cemetery. An immediate family member of a veteran is eligible for a burial plot at a State veterans' cemetery if certain criteria is met. The department is required, in selecting a location for a proposed State veterans' cemetery, to give priority to land that is near a national memorial battle site.

Background: MDVA was established by Chapters 124 and 125 of 1999, through combining the purposes and authority of the Maryland Veterans Commission (including the Washington Cemetery Board of Trustees), the Maryland Veterans Home Commission, and the State responsibility and authority for the War Memorial Commission. MDVA advises that the original legislation did not delineate the relationship between the new department and its existing related commissions. The department further advises that this bill would clarify relationships between MDVA and the commissions, and provide for more flexible operations within the department.

The only veterans' home in Maryland is located in Charlotte Hall (St. Mary's County).

There are five veterans' cemeteries in Maryland: Cheltenham (Prince George's County), Crownsville (Anne Arundel County), Eastern Shore (Dorchester County), Garrison Forest (Baltimore County), and Rocky Gap (Allegany County).

State Fiscal Effect: MDVA advises that the Secretary of Veterans Affairs already has administrative control over the functions covered by the bill. Therefore, the bill merely codifies existing practice.

All other provisions of the bill either codify existing practice, or would not materially impact State finances or operations.

Additional Information

Prior Introductions: HB 668 of 2004, a bill with similar provisions, was not reported out of the Health and Government Operations Committee.

Cross File: None.

Information Source(s): Maryland Department of Veterans Affairs, Department of Legislative Services

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ncs/jr

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