

# SENATE BILL 78

P1

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(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Veterans Affairs)**

Requested: October 1, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Washington Cemetery Board of Trustees**

3 FOR the purpose of abolishing the Washington Cemetery Board of Trustees; providing  
4 for the supervision of the Washington Cemetery by the Department of Veterans  
5 Affairs; defining a certain term; and generally relating to the Washington  
6 Cemetery.

7 BY repealing and reenacting, with amendments,  
8 Article – State Government  
9 Section 9–906  
10 Annotated Code of Maryland  
11 (2009 Replacement Volume)

12 BY repealing and reenacting, without amendments,  
13 Chapter 213 of the Acts of the General Assembly of 1870  
14 Section 1, 2, 9, 10, and 11

15 BY repealing  
16 Chapter 213 of the Acts of the General Assembly of 1870  
17 Section 4, 5, 7, and 8

18 BY repealing  
19 Chapter 213 of the Acts of the General Assembly of 1870, as amended by  
20 Chapter 97 of the Acts of the General Assembly of 1970  
21 Section 3 and 6

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Government**

2 9–906.

3 (a) (1) In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**  
4 **INDICATED.**5 (2) “State veterans’ cemetery” means a cemetery that the Department  
6 establishes under this section.7 [(2)] (3) In this section and in § 9–907 of this subtitle, “veteran”  
8 means an individual who:9 (i) served other than dishonorably on active duty in the armed  
10 forces of the United States; or11 (ii) served other than dishonorably as a member of the State  
12 militia ordered into active service of the United States by order of the President and  
13 was killed in the line of duty.14 (4) **“WASHINGTON CEMETERY” MEANS THE CIVIL WAR**  
15 **CEMETERY GROUNDS AUTHORIZED BY CHAPTER 213 OF THE ACTS OF THE**  
16 **GENERAL ASSEMBLY OF 1870.**17 (b) The Department may establish one or more cemeteries in the State for  
18 the burial of veterans and their eligible spouse or dependents as authorized by the  
19 Secretary.20 (c) The Department may accept land, on behalf of the State or a political  
21 subdivision of the State, or otherwise acquire land for a State veterans’ cemetery, if  
22 the Department has the approval of:23 (1) the governing body of the county where the State veterans’  
24 cemetery is to be located;25 (2) the delegation in the General Assembly for the county where the  
26 State veterans’ cemetery is to be located; and

27 (3) the Board of Public Works.

28 (d) (1) The Department shall maintain and supervise each State veterans’  
29 cemetery.30 (2) The Washington Cemetery [Board of Trustees] shall be under the  
31 supervision of the Department.

1 (e) The Department shall provide a plot in a State veterans' cemetery,  
2 without charge, to a veteran who meets the requirements of this section.

3 (f) To qualify for a plot in a State veterans' cemetery:

4 (1) the applicant must be a veteran who meets the requirements for  
5 burial at a national veterans' cemetery or an eligible spouse or dependent of a veteran  
6 who meets the requirements of this subsection; and

7 (2) if a veteran, the veteran must also have been a resident of the  
8 State:

9 (i) when the veteran entered the armed forces;

10 (ii) when the veteran died; or

11 (iii) for 2 years, unless, for a reason that the Department finds  
12 compelling, the Department waives the time period.

13 (g) To obtain a plot in a State veterans' cemetery, an applicant shall submit  
14 to the Department an application on the form that the Department provides.

15 (h) (1) In a plot that is allotted to a veteran, the Department shall bury:

16 (i) the veteran; and

17 (ii) any member of the immediate family who is an eligible  
18 spouse or dependent of the veteran if the family member can be buried in a space  
19 above or below the veteran or in the next available plot.

20 (2) (i) With each plot, the Department shall provide one grave  
21 liner.

22 (ii) For an eligible veteran, the Department shall pay for the  
23 grave liner.

24 (iii) For an eligible spouse or dependent, the grave liner shall be  
25 paid for by the family or estate.

26 (i) (1) The Department shall bury the veteran without charge.

27 (2) For burial of a member of the immediate family who is an eligible  
28 spouse or dependent, the Department may set a fee that does not exceed the cost of  
29 burial.

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1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That chapter one hundred and four, of the Acts of eighteen hundred and  
3 sixty-eight be and the same is hereby repealed, and the following enacted in lieu  
4 thereof:

5 Sec. 2. AND BE IT ENACTED, That a portion of ground, not exceeding ten  
6 acres, to be located within one mile of Hagerstown, be purchased, enclosed and  
7 devoted in perpetuity for the purpose of the burial and final resting place of the  
8 remains of the Confederate dead, and all other of both armies in the late war, who fell  
9 in the battles of Antietam, South Mountain, Monocacy, and other points in the State of  
10 Maryland, or who died from wounds received in said battles, and also those who fell in  
11 the battle of Gettysburg, in the State of Pennsylvania; but the power and right are  
12 hereby given to the Trustees appointed under this Act to agree with any Cemetery  
13 Association now established within one mile of Hagerstown, for the purchase or  
14 occupation of so much of their land as may be necessary to carry out the objects and  
15 purposes of this Act.

16 [Sec. 4. AND BE IT ENACTED, That the care and management of the grounds  
17 referred to in this Act, are hereby entrusted solely to the Trustees mentioned in the  
18 third section of this Act, together with the Trustees that may be appointed by other  
19 States, and their successors, and it shall be their duty, out of funds that may come into  
20 their hands by State appropriations or otherwise, to remove the remains of all the  
21 soldiers referred to in the second section of this Act, and to have them properly  
22 interred in the aforementioned grounds.]

23 [Sec. 5. AND BE IT ENACTED, That the aforesaid Trustees, with any others  
24 that may in the meantime be appointed by other States, shall hold their first meeting  
25 in Hagerstown, in Washington County, on the first Wednesday in the month of May  
26 next, or as soon thereafter as practicable, and organize by the election of one of their  
27 members President, and appoint a Secretary and Treasurer, and shall have power to  
28 employ such other officers and agents as may be needful; they shall require the  
29 Treasurer to bond to the corporation in double the probable amount of money that may  
30 be in his hands at any time during the term of his office, with two or more sufficient  
31 securities, conditioned for the faithful discharge of his duties and the correct  
32 accounting for the paying over of the money; said bond to be approved by the Circuit  
33 Court of Washington County, and recorded in the Clerk's office of said County; the  
34 term of office of the officers of the Board of Trustees aforesaid shall expire on the first  
35 day of January of each year, or as soon thereafter as their successors may be duly  
36 chosen and qualified to act.]

37 [Sec. 7. AND BE IT ENACTED, That the Board of Trustees shall adopt such  
38 by-laws, rules and regulations as they may deem necessary for their government, and  
39 for the government of their officers and agents and employees, such by-laws, rules and  
40 regulations to be consistent with this Act of Incorporation and the laws. If any State  
41 Legislature fail or refuse to make an appropriation, and the same shall be made to the  
42 amount of one thousand dollars (\$1,000), by any association, or by individuals, nothing

1 in this Act shall be so construed as to prevent such association or individuals from  
2 being represented by a Trustee in the Board; but no State, except Maryland, shall  
3 have more than one Trustee.]

4 [Sec. 8. BE IT ENACTED, That the Corporation shall have power to receive  
5 appropriations from the United States, from State Legislatures, associations and  
6 individuals, and also devises, bequests, gifts, annuities, and all other kinds of  
7 property, real and personal, for the purpose of the burial of the dead, enclosing and  
8 ornamenting the grounds and maintaining the same, and erecting a monument or  
9 monuments therein.]

10 Sec. 9. AND BE IT ENACTED, That the grounds and property of said  
11 Cemetery shall be forever free from the levy of any State, County or Municipal tax,  
12 and the State of Maryland hereby releases and exempts the Corporation created by  
13 this Act from the payment of any tax whatever that might be imposed by existing  
14 laws; all the laws of this State now in force, or which may hereafter be enacted for the  
15 protection of cemeteries, burial grounds and places of sepulchre, shall apply with full  
16 force and effect to this Cemetery hereby incorporated, immediately from and after the  
17 passage of this Act.

18 Sec. 10. AND BE IT ENACTED, That the sum of five thousand dollars be and  
19 the same is hereby appropriated to carry into effect this Act, which amount shall be  
20 paid to the Treasurer of the Corporation upon the warrant of the Governor, in such  
21 sums as may be by him deemed necessary. Before any money is paid, it shall be the  
22 duty of the Trustees to select a site for the Cemetery, in accordance with this Act, to  
23 report the same to the Governor for his approval, stating the price to be paid, and the  
24 location, and such other information as the Governor may require.

25 Sec. 11. AND BE IT ENACTED, That this Act shall take effect from the date of  
26 its passage.

27 **Chapter 213 of the Acts of 1870, as amended by Chapter 97 of the Acts of 1970**

28 [SECTION 3. AND BE IT ENACTED, That the Secretary of General Services  
29 shall appoint three Trustees for the State of Maryland, to serve for three years, and  
30 who may be reappointed in the discretion of the Secretary of General Services, and  
31 there shall be one Trustee for each of the other States, to be appointed by the  
32 Governors of their respective States, and the same are hereby created a body politic, in  
33 law, under the style and name and title of the Washington Cemetery, which shall be a  
34 part of the Department of General Services, and by that name, style and title shall  
35 have perpetual succession, and be able and capable in law to have and use a common  
36 seal, to sue and be sued, plead and be impleaded, in all courts of law and equity, and to  
37 whom shall be conveyed in trust, for the purpose above recited, the ground so  
38 purchased; said Trustees shall have all the incidental authority necessary to carry into  
39 effect the object of this corporation.]

1           [SECTION 6. AND BE IT ENACTED, That in case of neglect or failure of the  
2 Governor of any State to fill a vacancy in the Board of Trustees, the Trustees may  
3 supply the place by appointing a citizen of the particular State which is represented in  
4 the Board by reason of such vacancy. It shall be the duty of the Trustees to report to  
5 the Secretary of General Services on the first day of January in each and every year, of  
6 the condition and management of the Cemetery, which report shall contain a detailed  
7 statement of the receipts and expenditures of the Corporation, and a copy thereof shall  
8 be forwarded to the Governor of each State represented in the Corporation. The  
9 expenses incident to the removal of the dead, inclosing and ornamenting the  
10 Cemetery, and all the work connected therewith and its further maintenance, shall be  
11 apportioned among the States connecting themselves with the Corporation according  
12 to the number of dead they may have upon the aforementioned battlefields.]

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2010.