

Chapter 29

(Senate Bill 78)

AN ACT concerning

Washington Cemetery Board of Trustees

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

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

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

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

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

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

Article – State Government

9–906.

(a) (1) In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “State veterans’ cemetery” means a cemetery that the Department establishes under this section.

[(2)] (3) In this section and in § 9-907 of this subtitle, “veteran” means an individual who:

(i) served other than dishonorably on active duty in the armed forces of the United States; or

(ii) served other than dishonorably as a member of the State militia ordered into active service of the United States by order of the President and was killed in the line of duty.

(4) “WASHINGTON CEMETERY” MEANS THE CIVIL WAR CEMETERY GROUNDS AUTHORIZED BY CHAPTER 213 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1870.

(b) The Department may establish one or more cemeteries in the State for the burial of veterans and their eligible spouse or dependents as authorized by the Secretary.

(c) The Department may accept land, on behalf of the State or a political subdivision of the State, or otherwise acquire land for a State veterans’ cemetery, if the Department has the approval of:

(1) the governing body of the county where the State veterans’ cemetery is to be located;

(2) the delegation in the General Assembly for the county where the State veterans’ cemetery is to be located; and

(3) the Board of Public Works.

(d) (1) The Department shall maintain and supervise each State veterans’ cemetery.

(2) The Washington Cemetery [Board of Trustees] shall be under the supervision of the Department.

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

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

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

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

- (i) when the veteran entered the armed forces;
- (ii) when the veteran died; or
- (iii) for 2 years, unless, for a reason that the Department finds compelling, the Department waives the time period.

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

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

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

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

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

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

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

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

Chapter 213 of the Acts of 1870

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

Sec. 2. AND BE IT ENACTED, That a portion of ground, not exceeding ten acres, to be located within one mile of Hagerstown, be purchased, enclosed and devoted in perpetuity for the purpose of the burial and final resting place of the

remains of the Confederate dead, and all other of both armies in the late war, who fell in the battles of Antietam, South Mountain, Monocacy, and other points in the State of Maryland, or who died from wounds received in said battles, and also those who fell in the battle of Gettysburg, in the State of Pennsylvania; but the power and right are hereby given to the Trustees appointed under this Act to agree with any Cemetery Association now established within one mile of Hagerstown, for the purchase or occupation of so much of their land as may be necessary to carry out the objects and purposes of this Act.

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

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

[Sec. 7. AND BE IT ENACTED, That the Board of Trustees shall adopt such by-laws, rules and regulations as they may deem necessary for their government, and for the government of their officers and agents and employees, such by-laws, rules and regulations to be consistent with this Act of Incorporation and the laws. If any State Legislature fail or refuse to make an appropriation, and the same shall be made to the amount of one thousand dollars (\$1,000), by any association, or by individuals, nothing in this Act shall be so construed as to prevent such association or individuals from being represented by a Trustee in the Board; but no State, except Maryland, shall have more than one Trustee.]

[Sec. 8. BE IT ENACTED, That the Corporation shall have power to receive appropriations from the United States, from State Legislatures, associations and

individuals, and also devises, bequests, gifts, annuities, and all other kinds of property, real and personal, for the purpose of the burial of the dead, enclosing and ornamenting the grounds and maintaining the same, and erecting a monument or monuments therein.]

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

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

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

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

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

[SECTION 6. AND BE IT ENACTED, That in case of neglect or failure of the Governor of any State to fill a vacancy in the Board of Trustees, the Trustees may supply the place by appointing a citizen of the particular State which is represented in the Board by reason of such vacancy. It shall be the duty of the Trustees to report to the Secretary of General Services on the first day of January in each and every year, of the condition and management of the Cemetery, which report shall contain a detailed

statement of the receipts and expenditures of the Corporation, and a copy thereof shall be forwarded to the Governor of each State represented in the Corporation. The expenses incident to the removal of the dead, inclosing and ornamenting the Cemetery, and all the work connected therewith and its further maintenance, shall be apportioned among the States connecting themselves with the Corporation according to the number of dead they may have upon the aforementioned battlefields.]

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

Approved by the Governor, April 13, 2010.