

# HOUSE BILL 480

P1

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CF SB 490

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By: Delegates Rogers, Adams, Allen, Bagnall, Bartlett, Chang, Charles, Chisholm, Crosby, Crutchfield, Henson, Howard, A. Johnson, S. Johnson, Kaiser, Kerr, Kipke, Munoz, Patterson, Sample-Hughes, ~~and Simmons~~ Simmons, Alston, Bhandari, Cullison, Guzzone, Hill, Hutchinson, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Szeliga, Taveras, and White

Introduced and read first time: January 30, 2023  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 19, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Veterans Affairs – Burial in State Veterans’ Cemeteries – Spouses**  
3 **and Dependents**

4 FOR the purpose of ~~prohibiting~~ requiring the Department of Veterans Affairs ~~from~~  
5 ~~charging the cost for opening and closing the burial plot when burying a spouse or~~  
6 ~~dependent of a veteran at~~ to bury the eligible spouse or dependent of a veteran in a  
7 State veterans’ cemetery without charge; and generally relating ~~to State veterans’~~  
8 ~~cemeteries~~ to the burial of veterans’ spouses or dependents.

9 BY repealing and reenacting, with amendments,  
10 Article – State Government  
11 Section 9–906  
12 Annotated Code of Maryland  
13 (2021 Replacement Volume and 2022 Supplement)

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

16 **Article – State Government**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9–906.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) **“ELIGIBLE DEPENDENT” MEANS:**

4 (I) **A CHILD WHO MEETS THE REQUIREMENTS STATED IN 38**  
5 **C.F.R. § 38.620(E); OR**

6 (II) **A PARENT WHO MEETS THE REQUIREMENTS STATED IN 38**  
7 **C.F.R. § 38.620(I).**

8 (3) **“ELIGIBLE SPOUSE” MEANS A SPOUSE WHO MEETS THE**  
9 **REQUIREMENTS STATED IN 38 C.F.R. § 38.620(E).**

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

12 ~~(3)~~ (5) In this section and in § 9–907 of this subtitle, “veteran” means  
13 an individual who:

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

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

19 ~~(4)~~ (6) “Washington Cemetery” means the Civil War cemetery grounds  
20 authorized by Chapter 213 of the Acts of the General Assembly of 1870.

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

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

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

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

30 (3) the Board of Public Works.

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

3 (2) The Washington Cemetery shall be under the supervision of the  
4 Department.

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

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

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

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

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

13 (ii) when the veteran died; or

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

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

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

19 (i) the veteran; and

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

23 (2) ~~(i)~~ With each plot, the Department shall provide ~~one grave liner~~ A  
24 GRAVE LINER AT NO COST FOR THE VETERAN OR ELIGIBLE SPOUSE OR DEPENDENT.

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

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

29 (i) ~~(1)~~ The Department shall bury the veteran OR ELIGIBLE SPOUSE OR  
30 DEPENDENT without charge.

1                   ~~(2) (i) [For] SUBJECT TO SUBPARAGRAPH (H) OF THIS~~  
 2 ~~PARAGRAPH, FOR~~ burial of a member of the immediate family who is an eligible spouse  
 3 ~~or dependent, the Department may set a fee that does not exceed the cost of burial.~~

4                   ~~(H) FOR BURIAL OF A MEMBER OF THE IMMEDIATE FAMILY WHO~~  
 5 ~~IS AN ELIGIBLE SPOUSE OR DEPENDENT, THE DEPARTMENT MAY NOT CHARGE THE~~  
 6 ~~COST FOR OPENING AND CLOSING THE PLOT.~~

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 8   October 1, 2023.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.