

# SENATE BILL 286

P1

3lr1081

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By: **Senators Simonaire, Brooks, Folden, Jennings, Gallion, Bailey, ~~and Salling~~  
Salling, Augustine, Feldman, Lewis Young, Kagan, Carozza, and Hester**

Introduced and read first time: January 27, 2023

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 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 requiring the Department of Veterans Affairs to bury the eligible  
5 spouse or dependent of a veteran in a State veterans’ cemetery without charge; and  
6 generally relating to the burial of veterans’ spouses or dependents.

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

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

14 **Article – State Government**

15 9–906.

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

17 ~~(2) “ELIGIBLE SPOUSE” MEANS AN INDIVIDUAL WHO:~~

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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 ~~(I) WAS LAWFULLY MARRIED TO A VETERAN AT THE TIME OF~~  
 2 ~~THE INDIVIDUAL'S DEATH OR THE DEATH OF THE VETERAN; AND~~

3 ~~(II) DID NOT MARRY ANOTHER INDIVIDUAL AFTER THE DEATH~~  
 4 ~~OF THE VETERAN.~~

5 **(2) "ELIGIBLE DEPENDENT" MEANS:**

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

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

10 **(3) "ELIGIBLE SPOUSE" MEANS A SPOUSE WHO MEETS THE**  
 11 **REQUIREMENTS STATED IN 38 C.F.R. § 38.620(E).**

12 [(2)] ~~(3)~~ **(4)** "State veterans' cemetery" means a cemetery that the  
 13 Department establishes under this section.

14 [(3)] ~~(4)~~ **(5)** In this section and in § 9–907 of this subtitle, "veteran" means  
 15 an individual who:

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

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

21 [(4)] ~~(5)~~ **(6)** "Washington Cemetery" means the Civil War cemetery grounds  
 22 authorized by Chapter 213 of the Acts of the General Assembly of 1870.

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

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

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

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

1 (3) the Board of Public Works.

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

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

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

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

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

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

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

14 (ii) when the veteran died; or

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

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

19 (h) (1) ~~[In] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN~~ a plot  
20 that is allotted to a veteran, the Department shall bury:

21 (i) the veteran; and

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

25 ~~(2) THE DEPARTMENT SHALL BURY AN ELIGIBLE SPOUSE IN A SPACE~~  
26 ~~ABOVE OR BELOW THE VETERAN IN THE SAME PLOT AS THE VETERAN UNLESS~~  
27 ~~CEMETERY MANAGEMENT DETERMINES BURIAL IN THE SAME PLOT IS IMPOSSIBLE.~~

28 ~~(2)-(3)~~ ~~(i)~~ (2) With each plot, the Department shall provide [one] A  
29 grave liner AT NO COST FOR THE VETERAN OR ELIGIBLE SPOUSE OR DEPENDENT.

1                                   ~~(ii) For [an eligible] A veteran OR AN ELIGIBLE SPOUSE, the~~  
2 ~~Department shall pay for the grave liner.~~

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

5           (i)   ~~(1)~~   The Department shall bury the veteran **OR ELIGIBLE SPOUSE OR**  
6 **DEPENDENT** without charge.

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.