

SENATE BILL 490

P1
HB 1251/22 – HGO

3lr2086
CF HB 480

By: **Senator Brooks**

Introduced and read first time: February 3, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting the Department of Veterans Affairs from charging the cost
5 for opening and closing the burial plot when burying a spouse or dependent of a
6 veteran at a State veterans’ cemetery; and generally relating to State veterans’
7 cemeteries.

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

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

15 **Article – State Government**

16 9–906.

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

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

20 (3) In this section and in § 9–907 of this subtitle, “veteran” means an
21 individual who:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (4) "Washington Cemetery" means the Civil War cemetery grounds
5 authorized by Chapter 213 of the Acts of the General Assembly of 1870.

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

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

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

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

15 (3) the Board of Public Works.

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

18 (2) The Washington Cemetery shall be under the supervision of the
19 Department.

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

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

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

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

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

28 (ii) when the veteran died; or

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

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

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

4 (i) the veteran; and

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

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

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

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

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

14 (2) **(I) [For] SUBJECT TO SUBPARAGRAPH (II) OF THIS**
15 **PARAGRAPH, FOR** burial of a member of the immediate family who is an eligible spouse
16 or dependent, the Department may set a fee that does not exceed the cost of burial.

17 **(II) FOR BURIAL OF A MEMBER OF THE IMMEDIATE FAMILY WHO**
18 **IS AN ELIGIBLE SPOUSE OR DEPENDENT, THE DEPARTMENT MAY NOT CHARGE THE**
19 **COST FOR OPENING AND CLOSING THE PLOT.**

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