

Chapter 615

(House Bill 480)

AN ACT concerning

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

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

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

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) **“ELIGIBLE DEPENDENT” MEANS:**

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

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

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

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

~~(3)~~ **(5)** 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)~~ **(6)** “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 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~~ **A GRAVE LINER AT NO COST FOR THE VETERAN OR ELIGIBLE SPOUSE OR DEPENDENT.**

~~(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 **OR ELIGIBLE SPOUSE OR DEPENDENT** without charge.

~~(2) (1) [For] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, 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.~~

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

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

Approved by the Governor, May 12, 2023.