

HOUSE BILL 138

P1

(PRE-FILED)

5lr0104
CF SB 237

By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Veterans and Military Families)**

Requested: September 28, 2024

Introduced and read first time: January 8, 2025

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 4, 2025

CHAPTER _____

1 AN ACT concerning

2 **State Government – Veterans – Burial at State Veterans’ Cemeteries**
3 **(Burial Equity Act)**

4 FOR the purpose of expanding eligibility for burial in a State veterans’ cemetery to include
5 members of ~~the National Guard and the military reserves~~ a reserve component;
6 removing the residency requirement for certain veterans for burial in a State
7 veterans’ cemetery; establishing a burial fee for ~~National Guard and military~~
8 ~~reserves service~~ reserve component members and their eligible dependents; and
9 generally relating to burial at State veterans’ cemeteries.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 9–906(a), (f), and (i)
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2024 Supplement)

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

17 **Article – State Government**

18 9–906.

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

2 (2) “Eligible dependent” means:

3 (i) a child who meets the requirements stated in 38 C.F.R. §
4 38.620(e); or

5 (ii) a parent who meets the requirements stated in 38 C.F.R. §
6 38.620(i).

7 (3) “Eligible spouse” means a spouse who meets the requirements stated in
8 38 C.F.R. § 38.620(e).

9 **(4) “RESERVE COMPONENT” MEANS:**

10 **(I) THE ARMY NATIONAL GUARD OF THE UNITED STATES;**

11 **(II) THE ARMY RESERVE;**

12 **(III) THE NAVY RESERVE;**

13 **(IV) THE MARINE CORPS RESERVE;**

14 **(V) THE AIR NATIONAL GUARD OF THE UNITED STATES;**

15 **(VI) THE AIR FORCE RESERVE;**

16 **(VII) THE COAST GUARD RESERVE;**

17 **(VIII) THE RESERVE CORPS OF THE U.S. PUBLIC HEALTH**
18 **SERVICE; OR**

19 **(IX) ANY OTHER RESERVE SERVICE INCLUDED IN 28 U.S.C. §**
20 **101(24).**

21 ~~(4)~~ **(5)** “State veterans’ cemetery” means a cemetery that the
22 Department establishes under this section.

23 ~~(5)~~ **(6)** In this section and in § 9–907 of this subtitle, “veteran” means
24 an individual who:

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

27 (ii) served other than dishonorably as a **FULL–TIME** member of the
28 [State militia ordered into active service of the United States by order of the President and

1 was killed in the line of duty] COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH
 2 SERVICE OR THE COMMISSIONED CORPS OF THE NATIONAL OCEANIC AND
 3 ATMOSPHERIC ADMINISTRATION; OR

4 (III) SERVED OTHER THAN DISHONORABLY AND COMPLETED
 5 THE INDIVIDUAL'S CONTRACTUAL OBLIGATION OF SERVICE AS A MEMBER OF ~~THE~~
 6 ~~NATIONAL GUARD OR THE MILITARY RESERVES~~ A RESERVE COMPONENT.

7 ~~(6)~~ (7) "Washington Cemetery" means the Civil War cemetery grounds
 8 authorized by Chapter 213 of the Acts of the General Assembly of 1870.

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

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

13 (2) if a veteran[, the veteran] ~~IS A MEMBER OF THE NATIONAL GUARD~~
 14 ~~OR THE MILITARY RESERVES~~ A RESERVE COMPONENT, THE MEMBER must also have
 15 been a resident of the State:

16 (i) when the [veteran] MEMBER entered the ~~armed forces~~
 17 UNIFORMED SERVICES;

18 (ii) when the [veteran] MEMBER died; or

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

21 (i) (1) [The] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 22 **SUBSECTION, THE** Department [shall bury the] **MAY NOT CHARGE A** veteran or eligible
 23 spouse or dependent [without charge] **FOR BURIAL.**

24 (2) **IF THE INDIVIDUAL BEING BURIED IS A MEMBER OF ~~THE~~**
 25 ~~**NATIONAL GUARD OR THE MILITARY RESERVES**~~ **A RESERVE COMPONENT OR THE**
 26 **INDIVIDUAL'S ELIGIBLE DEPENDENT, THE DEPARTMENT SHALL COLLECT AT THE**
 27 **TIME OF BURIAL A FEE EQUAL TO THE ANNUAL PLOT ALLOWANCE ESTABLISHED BY**
 28 **THE NATIONAL CEMETERY ADMINISTRATION.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 30 1, 2025.