

SENATE BILL 286

P1

3lr1081

By: **Senators Simonaire, Folden, Jennings, Gallion, Bailey, and Salling**

Introduced and read first time: January 27, 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 FOR the purpose of requiring the Department of Veterans Affairs to bury the eligible
4 spouse of a veteran in a State veterans’ cemetery without charge; and generally
5 relating to the burial of veterans’ spouses.

6 BY repealing and reenacting, with amendments,

7 Article – State Government

8 Section 9–906

9 Annotated Code of Maryland

10 (2021 Replacement Volume and 2022 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

12 That the Laws of Maryland read as follows:

13 **Article – State Government**

14 9–906.

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

16 **(2) “ELIGIBLE SPOUSE” MEANS AN INDIVIDUAL WHO:**

17 **(I) WAS LAWFULLY MARRIED TO A VETERAN AT THE TIME OF**
18 **THE INDIVIDUAL’S DEATH OR THE DEATH OF THE VETERAN; AND**

19 **(II) DID NOT MARRY ANOTHER INDIVIDUAL AFTER THE DEATH**
20 **OF THE VETERAN.**

21 **[(2)] (3) “State veterans’ cemetery” means a cemetery that the**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Department establishes under this section.

2 **[(3)] (4)** In this section and in § 9–907 of this subtitle, “veteran” means
3 an individual who:

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

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

9 **[(4)] (5)** “Washington Cemetery” means the Civil War cemetery grounds
10 authorized by Chapter 213 of the Acts of the General Assembly of 1870.

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

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

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

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

20 (3) the Board of Public Works.

21 (d) (1) The Department shall maintain and supervise each State veterans’
22 cemetery.

23 (2) The Washington Cemetery shall be under the supervision of the
24 Department.

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

27 (f) To qualify for a plot in a State veterans’ cemetery:

28 (1) the applicant must be a veteran who meets the requirements for burial
29 at a national veterans’ cemetery or an eligible spouse or dependent of a veteran who meets
30 the requirements of this subsection; and

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

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

2 (ii) when the veteran died; or

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

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

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

9 (i) the veteran; and

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

13 **(2) THE DEPARTMENT SHALL BURY AN ELIGIBLE SPOUSE IN A SPACE**
14 **ABOVE OR BELOW THE VETERAN IN THE SAME PLOT AS THE VETERAN UNLESS**
15 **CEMETERY MANAGEMENT DETERMINES BURIAL IN THE SAME PLOT IS IMPOSSIBLE.**

16 **[(2)] (3)** (i) With each plot, the Department shall provide **[one] A**
17 **grave liner FOR THE VETERAN OR ELIGIBLE SPOUSE.**

18 (ii) For **[an eligible] A veteran OR AN ELIGIBLE SPOUSE**, the
19 Department shall pay for the grave liner.

20 (iii) For an eligible **[spouse or] dependent**, the grave liner shall be
21 paid for by the family or estate.

22 (i) (1) The Department shall bury the veteran **OR ELIGIBLE SPOUSE** without
23 charge.

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

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