

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 448

(Delegate Kipke, *et al.*)

Health and Government Operations

Education, Energy, and the Environment

Modernization of Military Laws Act

This bill generally establishes uniform definitions related to the military in the Election Law, General Provisions, Public Utilities, and State Government Articles of the Maryland Code, primarily by reference to definitions in the U.S. Code. While numerous alterations within the bill represent only stylistic or technical changes, there are substantive changes. Notably, among other provisions, the bill expands eligibility for burial in a State veterans' cemetery and access to certain housing and employment privileges and protections.

Fiscal Summary

State Effect: General and federal fund expenditures for the Department of Veterans and Military Families (DVMF) increase beginning in FY 2026 for additional burials at State veterans' cemeteries. General/federal fund revenues increase beginning in FY 2026 to the extent fees are collected/reimbursed, as discussed below. The bill's other provisions apply in a limited number of cases and are not anticipated to materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: The bill adds the definition of several military terms to the State Government Article (specifically, § 9-901). This includes the definition of "military family" as well as all terms found in **Exhibit 1** below. "Military family" includes the spouse and dependent children of a service member or veteran related by blood, marriage, or adoption.

Exhibit 1
Repeated Military Definitions Added to State Government § 9-901

<u>Term</u>	<u>U.S. Code Reference</u>	<u>Definition</u>
Active duty	37 U.S.C. § 101	Full-time duty in the active service of a uniformed service, including full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or the relevant Secretary
Active service member	n/a	An individual who is (1) an active-duty member of the uniformed services or (2) serving in a reserve component of the uniformed services on active-duty orders
Armed forces	10 U.S.C. § 101	Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard
Reserve component	37 U.S.C. § 101	The Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, the Coast Guard Reserve, or the Reserve Corps of the Public Health Service
Service member	n/a	An individual who is a member of (1) the uniformed services or (2) a reserve component of the uniformed services
Uniformed services	37 U.S.C. § 101	Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service
Veteran	38 U.S.C. § 101	A person who served in the active military, naval, air, or space service, and who was discharged or released under nondishonorable conditions

n/a: not applicable

Source: Department of Legislative Services

Election Law

Under current law, a “common access card” is defined as the identification card issued by the U.S. Department of Defense (DOD) to active-duty military personnel, eligible reserve personnel, DOD civilian employees, and eligible DOD contractor personnel. The bill expands that definition to encompass members of the uniformed services and eligible members of a reserve component. This aligns the definition with that of DOD, ensuring the inclusion of members of the commissioned corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA).

Current law permits an individual to file a certificate of candidacy for election via mail or delivery service if (1) the individual filing the certificate is unable to do so in person because of illness, military service, or temporary absence from the State and (2) the certificate is accompanied by a signed affidavit explaining the facts that prevented the individual from filing in person. The bill expands this option to those serving in the uniformed services, thereby explicitly including members of the commissioned corps of PHS and NOAA.

Public Utilities – Washington Suburban Sanitary Commission

Under current law, the Washington Suburban Sanitary Commission may, without violating any State or local equal employment opportunity law, grant a preference in hiring and promotion to an eligible veteran, the spouse of an eligible veteran who has a service-connected disability, or the surviving spouse of a deceased eligible veteran. “Eligible veteran” means a veteran of any branch of the *armed forces* of the United States who has received an honorable discharge or a certificate of satisfactory completion of *military* service, including the National Guard, the *military* reserves, the Commissioned Corps of PHS, and the Commissioned Corps of NOAA.

The bill alters the definition of “eligible veteran” to be a veteran of any branch of the *uniformed services* who has received an honorable discharge or a certificate of satisfactory completion of service, including *a reserve component*, the Commissioned Corps of PHS, and the Commissioned Corps of NOAA. This results in no change, as the revised definition of “eligible veteran” is inclusive of those previously considered in this section.

Governor’s Role as Commander-in-Chief

Under current law, the Governor is the commander-in-chief of the land and naval militia of the State, except for any part of the militia that is in the active military service of the United States. The bill alters language to exclude from the Governor’s control any part of the militia that is in the active service of the uniformed services. This results in no change,

as the additional groups covered under “uniformed services” – NOAA and PHS – are already under federal control.

Department of Veterans and Military Families

DVMF exists as a principal department of State government and is responsible for, among other duties, delivering services and programs to assist the State’s veterans, their families, and survivors in obtaining State, federal, and local benefits provided by law in recognition for their service. The head of DVMF is the Secretary of Veterans and Military Families.

Existing statute generally specifies that the Secretary is responsible for the operation of DVMF and must establish guidelines and procedures to promote efficient operation. The bill specifies that the Secretary is explicitly required to develop coordinated policies to lead veterans, service members, and their families through life’s transitions, including by helping them secure benefits earned through service in the uniformed services and reserve components.

Current law also requires the Secretary to submit an annual report to the Governor and the General Assembly that includes:

- the number of (1) requests for help in obtaining benefits; (2) public contacts made by the Communications, Outreach, and Advocacy Program; (3) veterans enrolled in the United States Veterans Health Administration; and (4) veterans receiving benefits;
- the average amount of disability and pension benefits received by qualified individuals in Maryland compared to those in other states;
- an account of the costs of operating the Communications, Outreach, and Advocacy Program;
- a status update on several programs, including cemeteries, memorials, and veterans homes, among others;
- a general assessment of the status of Maryland veterans;
- the estimated impact current *military* operations may have on the needs of veterans in the future (the bill repeals the reference to “*military*”);
- the status of federal veterans programs as they relate to Maryland veterans; and
- any other issues concerning veterans at the Secretary’s discretion.

Under the bill, the Secretary’s annual report must also include any other issues concerning service members, including issues uniquely pertaining to active service members that the Secretary considers appropriate.

Veterans' Cemeteries

Under current law, in the State Government Article, §§ 9-906 and 9-907, “veteran” means an individual who (1) served other than dishonorably on active duty in the armed forces of the United States or (2) 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. To qualify for a plot in a State veterans’ cemetery, the applicant must be (1) a veteran who meets the requirements for burial at a national veterans’ cemetery or (2) an eligible spouse or dependent of a veteran who meets the specified requirements. A veteran must have also been a resident of the State (1) when the veteran entered the armed forces; (2) when the veteran died; or (3) for two years, unless DVMF waives the time requirement for a compelling reason.

Under current law, “eligible dependent” and “eligible spouse” are defined by the requirements outlined under federal regulations. As specified in 38 CFR § 38.620, this generally means (1) the spouse, surviving spouse, minor child, or unmarried adult child of a person eligible for burial in a national cemetery or (2) a biological or legally adoptive parent who dies on or after October 13, 2010, and whose deceased child is a veteran who dies on or after October 7, 2001, and meets additional requirements.

The bill defines “eligible decedent” as (1) a veteran; (2) a qualified reserve member; or (3) an eligible spouse or dependent. The bill also expands the definition of “eligible dependent” to include a parent or child related by blood, marriage, or adoption of a qualified reserve member, and the definition of “eligible spouse” to include the spouse of a qualified reserve member. The bill defines “qualified reserve member” as a reserve component member who does not meet the requirements for burial at a national veterans’ cemetery but served other than dishonorably and completed the individual’s contractual obligation of service.

Based on these revised definitions, the bill expands eligibility for burial in a State veterans’ cemetery to include qualified reserve members and their eligible family members, as well as those individuals who served as full-time commissioned officers of the Commissioned Corps of PHS or NOAA, so long as other requirements are met.

The bill specifies that, for qualified reserve members, the member must also have been a resident of the State when the member entered the reserve component, when the member died, or for two years (unless DVMF waives the time period for a compelling reason). Other veterans are no longer required to meet this residency requirement.

Under current law, DVMF must provide a plot and burial in a State veterans’ cemetery to a veteran or the veteran’s eligible spouse or dependent at no charge. The bill establishes that DVMF must collect a fee at the time of burial that is equal to the annual plot allowance

established by the National Cemetery Administration if the individual being buried is a qualified reserve member or the qualified reserve member's eligible spouse or dependent. The bill also makes numerous conforming changes.

Veterans Homes

Under current law, a veterans home must be open to (1) a veteran who has an honorable discharge from active service with a uniformed service of the United States and is a resident of the State or (2) a spouse of an eligible veteran. In appointing or employing staff at a veterans home, DVMF must give preference to a veteran who has an honorable discharge from the *armed forces*. The bill alters hiring preferences to include veterans with an honorable discharge from the *uniformed services*, thereby ensuring the inclusion of PHS and NOAA.

Maryland Veterans Service Animal Program

Among other purposes, the Maryland Veterans Service Animal Program refers eligible veterans to selected nonprofit training organizations to be paired with service dogs or support dogs and facilitate their training. Under current law, an "eligible veteran" for this program means an individual who (1) served on active duty in the armed forces of the United States, the National Guard, or a reserve component of the armed forces of the United States; (2) served in a capacity other than for training; (3) was discharged or released under conditions other than dishonorable; and (4) is a resident of the State, or receives treatment or care from a U.S. Department of Veterans Affairs (USVA) or DOD medical facility in the State.

The bill alters the definition of "eligible veteran" to include veterans, defined as specified above, who are (1) residents of Maryland or (2) receive treatment or care from a USVA or DOD medical facility in the State. This results in no change, as the revised definition of "veteran" includes a nondishonorable discharge.

Employment Discrimination

Chapters 322 and 323 of 2024 prohibit employment and housing discrimination based on military status, making military status a protected category under certain discrimination laws. In this context under current law, "military status" means the status of being a member of the uniformed services, a member of a reserve component of the *armed forces* of the United States, or a dependent, as defined in federal law. The bill amends the definition to include members of a reserve component of the uniformed services, thereby expanding protections to members of the Reserve Corps of PHS.

State Fiscal Effect: In January 2020, the latest date for which information is readily available, there were an estimated 2,200 PHS officers living in Maryland, with about 1,500 on active duty and 700 retired. As of September 2024, there are 53 NOAA officers in the State, and as of January 2025, about 6,000 National Guard members in Maryland. There are approximately 321,000 veterans living in Maryland who are already covered by these programs. Although the definition changes in the bill expand access to various State benefits and privileges to certain members of PHS, NOAA, and the National Guard, these changes represent a small number of people. Most of the bill's changes would, therefore, be absorbable by any affected agency's existing funds – except for the provisions altering eligibility for burial in a State veterans' cemetery.

Repealing the State Residency Requirement for Veterans

DVMF federal fund expenditures increase beginning in fiscal 2026 for costs associated with burying additional veterans as a result of repealing the State residency requirement. However, any costs associated with these burials are reimbursed by USVA, resulting in a corresponding increase in federal fund revenues and no net impact on DVMF. The number of additional veterans that may be buried under this provision cannot be reliably estimated.

Expanding Eligibility for Burial

DVMF general fund expenditures increase beginning in fiscal 2026 for costs associated with burying members of the reserve components or their eligible spouses or dependents. As DVMF must charge a fee equal to the annual plot allowance (\$948 as of August 2024), expenditures are offset by general fund revenues and have no net impact on DMVF. The number of additional veterans that may be buried under this provision cannot be reliably estimated.

DVMF general fund expenditures further increase beginning in fiscal 2026 for costs associated with burying eligible commissioned officers of NOAA, PHS, and eligible spouses or dependents of veterans (as expanded under the bill). As the bill prohibits DVMF from charging a fee for these burials, there is no offset in general fund revenues. As the number of additional veterans that may be buried under this provision cannot be reliably estimated, general fund expenditures increase by an indeterminate amount.

DVMF advises that additional staff and equipment may eventually be required to handle additional burials at State veterans' cemeteries as a result of the bill. However, any additional volume cannot be reliably estimated at this time. To the extent there are a significant number of additional burials under the bill, DVMF may request additional resources through the annual budget process.

Additional Comments: Under additional definitions under 38 U.S.C. § 101, “active military, naval, air, or space service” includes full-time duty in a reserve component of the armed forces, full-time duty as a commissioned officer of the Regular or Reserve Corps of PHS or commissioned officer corps of NOAA, and service as a cadet or midshipman at a service academy (Military, Air Force, Coast Guard, or Naval academies).

According to the [2024 DVMF annual report](#), the Cemetery Program has averaged 3,519 interments each year for the past five years, or approximately 704 interments each fiscal year. DVMF advises that the elimination of residency requirements for interment in the State’s veterans’ cemeteries is a precondition for future cemetery expansion grants from USVA. DVMF further advises that expanding those eligible for burial in a State veterans’ cemetery can attract veterans living in neighboring states.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 275 (Senator Simonaire, *et al.*) - Education, Energy, and the Environment.

Information Source(s): Department of Commerce; Judiciary (Administrative Office of the Courts); Department of Budget and Management; Maryland Department of the Environment; Maryland Department of Health; Maryland Department of Labor; Department of Natural Resources; Maryland Department of Transportation; Department of Veterans and Military Families; Maryland State Board of Elections; Maryland Insurance Administration; Public Service Commission; State Retirement Agency; Governor’s Office of Small, Minority, and Women Business Affairs; Department of Legislative Services

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