

**Department of Legislative Services**  
Maryland General Assembly  
2019 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 865 (Senators Jennings and Simonaire)  
Education, Health, and Environmental Affairs

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**Maryland Military Veterans**

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This bill designates specified individuals as “Maryland Military Veterans.” A Maryland Military Veteran is not entitled to any State program of benefits, rights, or privileges applicable to a veteran determined eligible under specified federal law. The designation of a Maryland Military Veteran must be separate from, and not supplant, the specified entitlements due to an eligible veteran. The bill also requires the Governor to annually commemorate Maryland Military Veterans on Maryland Day and authorizes the State flag to be used in the burial service of a deceased Maryland Military Veteran.

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**Fiscal Summary**

**State Effect:** This bill is not anticipated to materially affect State finances or operations.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** An individual must be designated as a Maryland Military Veteran if the individual (1) served as a member of the organized militia of the State; (2) was discharged or released under conditions other than dishonorable; and (3) served on State active duty for any period of time.

**Current Law:** The Public Safety Article lists two classes of State militia: the organized militia and the unorganized militia. The organized militia consists of the National Guard, Inactive National Guard, and the Maryland Defense Force (MDDF). Generally, the

National Guard is part of the reserve components of the U.S. Armed Forces under dual control of the State and the federal government.

The Governor can activate National Guard personnel to State active duty, including military duty performed in service of the State under orders as specified in Article II, § 8 of the Maryland Constitution or § 13-702 of the Public Safety Article. MDDF is an all-volunteer force designed to assist the National Guard during stateside emergencies. The Governor is the Commander-in-chief of MDDF, and MDDF generally cannot be deployed outside the borders of Maryland. State active duty may be required for imminent public crises (such as disasters, rioting, catastrophes, and other general periods of unrest), when martial law is declared, to enforce the laws, or to carry on any function of the State militia.

**Background:** Maryland Day is a State holiday commemorated annually on March 23. In 2018, there were 4,555 Army National Guard and 1,442 Air National Guard members in Maryland. In addition, there were 151 MDDF members.

In fiscal 2018, the Maryland Department of Veterans Affairs completed 3,389 internments for veterans and eligible dependents. Of those, 2,213 were veterans.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Veterans Affairs; Military Department; Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2019  
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