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House Health and Government Operations Committee

Statement of Information

Senate Bill 573 – General Provisions – State Flag – Casket of an Eligible Decedent

Senate 573 tasks the Office of the Secretary of State with furnishing a Maryland State flag to drape the casket of an employee of the State or any political subdivision who died as a result of an accidental tortious injury arising during the course of their employment, a current or former constitutional officer, current or former member of the General Assembly, a judge, other high level State government positions, or any other individual the Governor designates.

This proposed quantity of eligible decedents is substantial, and our rough estimate is that more than 100 individuals may qualify a year for this honor. The qualifying flags would have to be American made, and of cotton, as nylon flags could slide off the coffins. The aggregate costs would be sizable, but with adequate offsets, we can do this process with existing manpower, except for the ambiguity as to when the provision will be triggered.

A plain first reader language reading of SB 573 as drafted concerned us because we may be responsible to monitor deaths around the world and respond without being notified directly. We requested clarifying language that furnishing the flags would be required only upon a request from an eligible decedent's family or a member of the General Assembly. That language is now included in the bill before you and we appreciate that adjustment. Moreover, whether an injury arose out of a willful or negligent act will be challenging for us to determine before litigation occurs. We can provide some clarification to this in regulations we will promulgate, but the effective date of this legislation is very close in time, so there may be a period of time where we are unable to resolve disputes that arise with this question.

For these reasons, the Office of the Secretary of State supports the efforts underlining SB 573, as it was amended already in the opposite chamber, and on the cross-file to our satisfaction. Since we do not currently have budgeted funds to procure the flags, or mail them, we would require the appropriation of approximately \$15,000 to \$20,000 a year to help offset the foreseeable costs to implement the legislation.