

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 448 (Delegate Kipke)
Health and Government Operations

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 (1) expands eligibility for burial in a State veterans’ cemetery and the use of mail to file for candidacy in an election and (2) expands access to certain housing and employment privileges and protections.

Fiscal Summary

State Effect: Since it is assumed that this bill applies in a limited number of cases, State finances are not materially affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Definitions

The bill adds the definition of several military terms to State Government § 9-901. This includes the definition of “military family” as well as all of the 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

Term	U.S. Code Reference	Definition
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 non-dishonorable conditions

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.

General Provisions

Under current law, for any State program of benefits, rights, or privileges applicable to veterans under the Maryland Code, “veteran” includes members of the commissioned corps of NOAA and PHS, so long as they also meet the definition of “veteran” found in 38 U.S.C. § 101. The bill modifies the definition of “veteran” as specified in Exhibit 1. This results in no change – one must meet the definition of “veteran” in 38 U.S.C. § 101 to be eligible for benefits either way.

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 replaces the definition of “eligible veteran” with “veteran,” defined as specified above. This results in no change, as the revised definition of “veteran” is inclusive of those previously considered “eligible veterans” 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

The Department of Veterans and Military Families (DVMMF) 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 DVMMF is the Secretary of Veterans and Military Families, who is appointed by the Governor with the advice and consent of the Senate. Under current law, the Secretary must be a veteran who has an honorable discharge from active service with a uniformed service of the United States; the bill alters the requirement so that the Secretary must be a veteran (as defined above), thereby including eligible individuals who received a non-dishonorable discharge.

Existing statute generally specifies that the Secretary is responsible for the operation of DVMMF 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 State Government § 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.

The bill alters the definition of “veteran” applicable in these sections to include those who served other than dishonorably on active duty in the uniformed services and expands residency requirements for burial to those who were residents of Maryland when they entered the uniformed services. This expands eligibility to those who served other than dishonorably on active duty in NOAA or PHS, so long as they meet the other requirements.

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 the applicable definition of “veterans” to that shown in Exhibit 1, thereby expanding eligibility to live in a veterans home and hiring preference to veterans with a non-dishonorable discharge.

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 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 U.S. Department of Veterans Affairs or DOD medical facility in the State. This results in no change, as the revised definition of “veteran” includes a non-dishonorable 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 Army National Guard, Air National Guard, and the Reserve Corps of PHS.

State Fiscal Effect: 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.

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. Compared to the 321,000 veterans living in Maryland who are already covered by these programs, this change is very small and can be absorbed by any affected agency’s existing funds.

Additional Comments: The definition of “veteran” from the U.S. Code includes “a person who served in the active military.” The Department of Legislative Services interprets

“active military” based on the U.S. Code definition of “military service,” as “military” is not defined in the bill. Per 50 U.S.C. § 3911(2), “military service” means:

- in the case of a service member who is a member of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, active duty;
- in the case of a member of the National Guard, it includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days, for purposes of responding to a national emergency declared by the President and supported by federal funds;
- in the case of a service member who is a commissioned officer of PHS or NOAA, active service; and
- any period during which a service member is absent from duty on account of sickness, wounds, leave, or other lawful cause.’

Additionally, DVMF notes that, if passed, the Burial Equity Act (Senate Bill 237 and House Bill 138 of 2025) would alter eligibility for burial in a veterans’ cemetery. Among other changes, the legislation, as introduced, removes the State residency requirement for burial in a State veterans’ cemetery.

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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