

HOUSE BILL 448

P1, G1, D5

5lr2501
CF SB 275

By: **Delegate Kipke**

Introduced and read first time: January 16, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Modernization of Military Laws Act**

3 FOR the purpose of establishing rules of interpretation related to the uniformed services;
4 altering the rule of interpretation for “veteran”; requiring the Secretary of Veterans
5 and Military Families to develop certain policies related to life transitions of
6 veterans, service members, and military families; altering the application of certain
7 provisions of law governing the filing of certificates of candidacy, the powers of the
8 Governor, State veterans’ cemeteries, and housing and employment discrimination
9 as they relate to veterans and the uniformed services; and generally relating to
10 veterans and the uniformed services.

11 BY repealing and reenacting, without amendments,
12 Article – Election Law
13 Section 1–101(a)
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2024 Supplement)

16 BY adding to
17 Article – Election Law
18 Section 1–101(b–1)
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2024 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Election Law
23 Section 1–101(b–1) and (b–2), 3–202.1(a), and 5–304(b)
24 Annotated Code of Maryland
25 (2022 Replacement Volume and 2024 Supplement)

26 BY adding to
27 Article – General Provisions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 1–101.1, 1–101.2, 1–103.1, 1–114.1, 1–114.2, and 1–116
2 Annotated Code of Maryland
3 (2019 Replacement Volume and 2024 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – General Provisions
6 Section 1–117
7 Annotated Code of Maryland
8 (2019 Replacement Volume and 2024 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Public Utilities
11 Section 18–111
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Government
16 Section 2–104(d), 3–303(a), 9–901, 9–902, 9–906(a)(5) and (f), 9–910(b), 9–911(a),
17 9–946(6) through (8), 9–957(a)(2), and 20–101(f)
18 Annotated Code of Maryland
19 (2021 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – State Government
22 Section 9–906(a)(1), 9–957(a)(1), and 20–101(a)
23 Annotated Code of Maryland
24 (2021 Replacement Volume and 2024 Supplement)

25 BY adding to
26 Article – State Government
27 Section 9–946(9)
28 Annotated Code of Maryland
29 (2021 Replacement Volume and 2024 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
31 That the Laws of Maryland read as follows:

32 **Article – Election Law**

33 1–101.

34 (a) In this article the following words have the meanings indicated unless a
35 different meaning is clearly intended from the context.

36 **(B–1) “ACTIVE DUTY” HAS THE MEANING STATED IN § 9–901 OF THE STATE**
37 **GOVERNMENT ARTICLE.**

1 [(b-1)] (B-2) “Address confidentiality program” means the Address
2 Confidentiality Program administered by the Secretary of State under Title 7, Subtitle 3 of
3 the State Government Article.

4 [(b-2)] (B-3) “Administrative policy affecting voting rights” means any action
5 relating to voter registration, provisional voting, absentee voting, or the location of a polling
6 place or early voting center.

7 3-202.1.

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

9 (2) “Common access card” means the identification card issued by the U.S.
10 Department of Defense to active-duty [military personnel] **MEMBERS OF THE**
11 **UNIFORMED SERVICES**, eligible [reserve personnel] **MEMBERS OF A RESERVE**
12 **COMPONENT**, Department of Defense civilian employees, and eligible Department of
13 Defense contractor personnel.

14 (3) “Federal post card application” means the form prescribed under 52
15 U.S.C. § 20301(b)(2) that may be used by absent uniformed services voters and overseas
16 voters to simultaneously apply to register to vote and apply for an absentee ballot.

17 (4) **“RESERVE COMPONENT” HAS THE MEANING STATED IN § 9-901**
18 **OF THE STATE GOVERNMENT ARTICLE.**

19 (5) **“UNIFORMED SERVICES” HAS THE MEANING STATED IN § 9-901**
20 **OF THE STATE GOVERNMENT ARTICLE.**

21 5-304.

22 (b) A certificate of candidacy may be filed as permitted under subsection (a)(1)(ii)
23 of this section, if:

24 (1) the individual filing the certificate is unable to do so in person because
25 of illness, [military] service **IN THE UNIFORMED SERVICES**, or temporary absence from
26 the State; and

27 (2) the certificate is accompanied by an affidavit signed by the individual
28 filing the certificate setting forth fully the facts that prevent that individual from filing the
29 certificate in person.

30 **Article – General Provisions**

31 **1-101.1.**

1 (a) In this section, [“eligible veteran” means a veteran of any branch of the armed
2 forces of the United States who has received an honorable discharge or a certificate of
3 satisfactory completion of military service, including:

4 (1) the National Guard;

5 (2) the military reserves;

6 (3) the Commissioned Corps of the Public Health Service; and

7 (4) the Commissioned Corps of the National Oceanic and Atmospheric
8 Administration] **“VETERAN” HAS THE MEANING STATED IN § 9–901 OF THE STATE
9 GOVERNMENT ARTICLE.**

10 (b) The Commission may grant a preference in hiring and promotion to:

11 (1) [an eligible] A veteran;

12 (2) the spouse of [an eligible] A veteran who has a service-connected
13 disability; or

14 (3) the surviving spouse of a deceased [eligible] veteran.

15 (c) Granting a preference under subsection (b) of this section does not violate any
16 State or local equal employment opportunity law.

17 Article – State Government

18 2–104.

19 (d) Any full-time permanent employee of the General Assembly of Maryland or
20 the Department of Legislative Services who separates from State service and returns to
21 State service in the Executive or Judicial Branch within 3 years from the time of separation
22 from active duty, **AS DEFINED IN § 9–901 OF THIS ARTICLE**, shall be eligible for
23 reinstatement and shall receive full credit for any prior State service.

24 3–303.

25 (a) The Governor is the commander-in-chief of the land and naval militia of the
26 State, except for any part of the militia that is in the active [military] service of the [United
27 States] **UNIFORMED SERVICES.**

28 9–901.

29 (a) In this subtitle the following words have the meanings indicated.

1 (B) “ACTIVE DUTY” HAS THE MEANING STATED IN 37 U.S.C. § 101.

2 (C) “ACTIVE SERVICE MEMBER” MEANS AN INDIVIDUAL WHO IS:

3 (1) AN ACTIVE DUTY MEMBER OF THE UNIFORMED SERVICES; OR

4 (2) SERVING IN A RESERVE COMPONENT OF THE UNIFORMED
5 SERVICES ON ACTIVE DUTY ORDERS.

6 (D) “ARMED FORCES” HAS THE MEANING STATED IN 10 U.S.C. § 101.

7 [(b)] (E) “Board” means the Board of Trustees of the Maryland Veterans Trust.

8 [(c)] (F) “Department” means the Department of Veterans and Military
9 Families.

10 (G) “MILITARY FAMILY” INCLUDES THE SPOUSE AND DEPENDENT
11 CHILDREN OF A SERVICE MEMBER OR VETERAN RELATED BY BLOOD, MARRIAGE, OR
12 ADOPTION.

13 (H) “RESERVE COMPONENT” HAS THE MEANING STATED IN 37 U.S.C. § 101.

14 [(d)] (I) “Secretary” means the Secretary of Veterans and Military Families.

15 (J) “SERVICE MEMBER” MEANS AN INDIVIDUAL WHO IS A MEMBER OF:

16 (1) THE UNIFORMED SERVICES; OR

17 (2) A RESERVE COMPONENT OF THE UNIFORMED SERVICES.

18 [(e)] (K) “Trust” means the Maryland Veterans Trust.

19 (L) “UNIFORMED SERVICES” HAS THE MEANING STATED IN 37 U.S.C. § 101.

20 [(f)] (M) Except as otherwise provided [in this subtitle], “veteran” [means an
21 individual who served on active duty in the armed forces of the United States, other than
22 for training, and was discharged or released under conditions other than dishonorable] HAS
23 THE MEANING STATED IN 38 U.S.C. § 101.

24 9–902.

25 (a) There is a Department of Veterans and Military Families, established as a
26 principal department of the State government.

1 (b) The head of the Department is the Secretary of Veterans and Military
2 Families who shall be:

3 (1) a veteran [who has an honorable discharge from active service with a
4 uniformed service of the United States]; and

5 (2) appointed by the Governor with the advice and consent of the Senate.

6 (c) (1) The Secretary serves at the pleasure of the Governor and is responsible
7 directly to the Governor. The Secretary shall advise the Governor on all matters assigned
8 to the Department and is responsible for carrying out the Governor's policies on these
9 matters.

10 (2) The Secretary is responsible for:

11 (I) the operation of the Department and shall establish guidelines
12 and procedures to promote the orderly and efficient operation of the Department; AND

13 (II) **THE DEVELOPMENT OF COORDINATED POLICIES FOR**
14 **LEADING VETERANS, SERVICE MEMBERS, AND THEIR FAMILIES THROUGH LIFE'S**
15 **TRANSITIONS, INCLUDING ASSISTING IN SECURING BENEFITS EARNED THROUGH**
16 **SERVICE IN THE UNIFORMED SERVICES AND RESERVE COMPONENTS.**

17 (3) Subject to the provisions of this subtitle, the Secretary may establish,
18 reorganize, or consolidate areas of responsibility in the Department as necessary to fulfill
19 the duties assigned by the Secretary.

20 (4) The Secretary shall adopt regulations necessary to carry out the
21 provisions of this subtitle.

22 (d) The Secretary is entitled to the salary provided in the State budget.

23 9-906.

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

25 (5) In this section and in § 9-907 of this subtitle, "veteran" means an
26 individual who:

27 (i) served other than dishonorably on active duty in the [armed
28 forces of the United States] **UNIFORMED SERVICES**; or

29 (ii) served other than dishonorably as a member of the State militia
30 ordered into active service [of the United States] by order of the President and was killed
31 in the line of duty.

1 (f) To qualify for a plot in a State veterans' cemetery:

2 (1) the applicant must be a veteran who meets the requirements for burial
3 at a national veterans' cemetery or an eligible spouse or dependent of a veteran who meets
4 the requirements of this subsection; and

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

6 (i) when the veteran entered the [armed forces] **UNIFORMED**
7 **SERVICES**;

8 (ii) when the veteran died; or

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

11 9–910.

12 (b) (1) The Department may appoint a Director for the home and employ any
13 other staff that is needed to manage the home properly.

14 (2) In appointing or employing staff, the Department shall give preference
15 to a veteran [who has an honorable discharge from the armed forces].

16 (3) The Director shall:

17 (i) serve at the pleasure of the Secretary; and

18 (ii) perform any duty that the Department requires.

19 9–911.

20 (a) In accordance with the regulations of the Department and applicable law, the
21 home shall be open:

22 (1) to a veteran who[:

23 (i) has an honorable discharge from active service with a uniformed
24 service of the United States; and

25 (ii)] is a resident of the State as defined in regulations adopted by the
26 Secretary; or

27 (2) to a spouse of an eligible veteran.

28 9–946.

1 The Secretary shall submit a report by December 31 of each year to the Governor
2 and, in accordance with § 2–1257 of this article, the General Assembly, that includes:

3 (6) the estimated impact current [military] operations are likely to have
4 on the needs of veterans in the future;

5 (7) the status of federal veterans programs as they relate to Maryland
6 veterans; [and]

7 (8) any other issues concerning veterans that the Secretary considers
8 appropriate; AND

9 **(9) ANY OTHER ISSUES CONCERNING SERVICE MEMBERS, INCLUDING**
10 **ISSUES UNIQUELY PERTAINING TO ACTIVE SERVICE MEMBERS THAT THE**
11 **SECRETARY CONSIDERS APPROPRIATE.**

12 9–957.

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

14 (2) “Eligible veteran” means [an individual who:

15 (i) served on active duty in:

16 1. the armed forces of the United States;

17 2. the National Guard; or

18 3. a reserve component of the armed forces of the United
19 States;

20 (ii) served in a capacity other than for training;

21 (iii) was discharged or released under conditions other than
22 dishonorable; and] **A VETERAN WHO:**

23 [(iv) 1.] **(I)** is a resident of the State; or

24 [2.] **(II)** receives treatment or care from a U.S. Department of
25 Veterans Affairs or U.S. Department of Defense medical facility in the State.

26 20–101.

27 (a) In Subtitles 1 through 11 of this title the following words have the meanings
28 indicated.

- 1 (f) “Military status” means the status of being:
- 2 (1) a member of the uniformed services[, as defined in 10 U.S.C. § 101];
- 3 (2) a member of a reserve component of the [armed forces of the United
4 States, as listed in 10 U.S.C. § 10101] **UNIFORMED SERVICES**; or
- 5 (3) a dependent, as defined in 50 U.S.C. § 3911(4).

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2025.