

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1380
Appropriations

(Delegate P. Young, *et al.*)

Education, Health, and Environmental Affairs
and Budget and Taxation

General Provisions - LGBTQ Veterans - Honorable Discharge (Restoration of Honor Act)

This bill, with respect to any State program of benefits, rights, or privileges applicable to a veteran under Maryland Law, defines “honorable discharge” to include discharge that is less than honorable (1) solely due to the sexual orientation or gender identity of the individual being discharged or (2) based on a statement or consensual act of the individual being discharged related to the individual’s sexual orientation or gender identity, if the statement or consensual act was prohibited by the military or naval service at the time of discharge. A veteran must submit to the Secretary of Veterans Affairs documentation that provides the basis for the veteran’s discharge. The Secretary must adopt specified regulations by May 1, 2023.

Fiscal Summary

State Effect: The Maryland Department of Veterans Affairs (MDVA) can develop the required regulations and offer State veterans’ benefits to specified veterans using existing budgeted resources, as discussed below. Revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The Secretary must adopt regulations establishing a consistent and uniform process to determine whether an individual qualifies as an honorably discharged veteran including, at a minimum, standards for verifying a veteran's discharge status and a method of demonstrating the basis for the veteran's discharge.

Current Law: Title 9 of the State Government Article defines "veteran" as an individual who served on active duty in the armed forces of the United States, other than for training, and was discharged or released under conditions other than dishonorable.

MDVA delivers services and programs to assist Maryland veterans, their families, and survivors in obtaining State, federal, and local benefits provided by law in recognition for their service. MDVA assures the quality maintenance of veterans' cemeteries and memorials to honor Maryland veterans. MDVA also manages Charlotte Hall Veterans Home (CHVH), an assisted living and skilled nursing facility for veterans and their eligible spouses who are unable to care for themselves due to disability, advancing age, or who require nursing home care. Additionally, MDVA engages in public awareness and outreach to veterans, their families, and other stakeholders.

State Fiscal Effect: MDVA advises that it can determine the discharge status of veterans affected under the bill and the basis for the discharge, in addition to establishing regulations, with existing budgeted resources. MDVA also advises that it can administer State veterans' benefits within existing resources.

However, MDVA advises that the programs it administers generally involve receipt of federal funds for the affected veteran. For example, MDVA will be unable to receive per diem reimbursements from the federal government for veterans under the bill who are housed at CHVH, or burial benefits for the Cemetery Program after a veteran is buried. MDVA advises that the department can absorb those costs with general funds; however, an exact estimate of those costs is not available at this time.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Department of Veterans Affairs; Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2022
rh/jc Third Reader - March 21, 2022
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