

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 756

(Delegate Hutchinson, *et al.*)

Health and Government Operations

Education, Energy, and the Environment

General Provisions - State Flag - Casket of an Eligible Decedent

This bill requires the Secretary of State, on request, to furnish a State flag to drape the casket of an eligible decedent, as defined under the bill. The Secretary of State must adopt regulations establishing a process to submit a request for a State flag to drape on the casket of an eligible decedent and verify that a request is being made on behalf of an eligible decedent. After the burial of an eligible decedent, the State flag must be (1) claimed by and provided to the eligible decedent’s next of kin, or (2) provided to a close friend or an associate, if it is not claimed by the eligible decedent’s next of kin. The bill specifies that only one State flag may be provided for the death of an eligible decedent. The Secretary of State may not procure any State flag as required under the bill unless it is wholly produced in the United States; however, the Secretary of State may waive this requirement if it cannot be met reasonably.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$14,000 in FY 2025. General fund expenditures further increase annually by an indeterminate but likely minimal amount, beginning in FY 2025, as discussed below. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	14,000	-	-	-	-
Net Effect	(\$14,000)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Eligible decedent” means (1) an employee of the State or any political subdivision who died as a result of a specified injury; (2) specified current or former constitutional officers; (3) a current or former member of the General Assembly; (4) a current or former Governor the State; (5) a judge; (6) an individual who currently holds or formerly held any position generally relating to heads of units of State government; or (7) any other individual whom the Governor designates through an executive order.

“Wholly produced in the United States” means a flag that contains only (1) materials and components that are grown, manufactured, or created entirely in the United States; (2) processing components, including spinning, weaving, dyeing, and finishing, that are performed entirely in the United States; and (3) materials that have been manufactured and assembled entirely in the United States.

Current Law: As established under the Public Safety Article, the Secretary of State must issue a State flag to the family of a firefighter, policeman, member of the military, sworn member of the office of State Fire Marshal, or professional or volunteer emergency medical services provider who is killed in the performance of duty. Except when the deceased is a member of the military, the flag must be presented to the family of the deceased by the State Senator of the legislative district in which the deceased resided or served. However, when the deceased is a member of the military, the flag must be presented to the family of the deceased by the Department of Veterans Affairs.

Executive Order 01.01.1990.30 establishes the protocols for the use of the State Flag, including for when the State flag may be used during periods of mourning. Among other things, the State flag may be used to cover the coffin of a State police officer killed in the line of duty, or any other State official or public servant who devoted a substantial part of their career to public service in the State. When the State flag is used to cover a casket, it should be placed so that the first quarter is at the head and over the left shoulder. The State flag should not be lowered into the grave or allowed to touch the ground.

State Expenditures: The Secretary of State advises that its current inventory consists of flags that are made of nylon, which may not be appropriate for draping over a casket because they may slide off. Therefore, general fund expenditures for the Secretary of State’s office increase by \$14,000 in fiscal 2025. This estimate reflects the cost of the Secretary of State purchasing 100 cotton State flags at a cost of approximately \$140 per flag to establish an inventory of flags to provide to the families of eligible decedents. General fund expenditures further increase annually by an indeterminate but likely minimal amount, beginning in fiscal 2025, for postage (to mail the flags to eligible decedents) and for the Secretary of State to replenish the inventory of State flags.

The Secretary of State can create the necessary regulations with existing resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 573 (Senator Corderman) - Education, Energy, and the Environment.

Information Source(s): Secretary of State; Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2024
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