

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 36 (Senator Mathias)
Education, Health, and Environmental Affairs

State Government - Display of the POW/MIA Flag on State Building Grounds

This bill requires the Secretary of General Services and the Secretary of Transportation to cause the POW/MIA flags to be flown on the grounds of all State buildings under their control whenever the flag of the United States is flown. The bill also requires the POW/MIA flag to be flown from the State House whenever the flag of the United States and the State flag are flown. The bill repeals the requirement that the POW/MIA flag be flown on the State House grounds on Memorial Day weekend, Veterans' Day weekend, the third Saturday in May (for Armed Forces Day), July 4 (for Independence Day), and the third Friday in September (for POW/MIA Recognition Day). The bill repeals the requirement that a flag to honor and remember members of the armed forces who died in the line of duty be flown on the State House grounds on the third Friday in September (for POW/MIA Recognition Day). "POW/MIA flag" means the POW/MIA flag of the National League of Families of American Prisoners and Missing in Southeast Asia.

Fiscal Summary

State Effect: The Department of General Services and the Maryland Department of Transportation are responsible for flying flags from the buildings under their control. Flying another flag at these buildings would have a minimal fiscal impact on the departments.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The POW/MIA flag and a flag to honor and remember members of the armed forces who died in the line of duty must be flown on the State House grounds on Memorial Day weekend, Veterans' Day weekend, the third Saturday in May (for Armed Forces Day), July 4 (for Independence Day), and the third Friday in September (for POW/MIA Recognition Day).

When the General Assembly is in session, the flag of the United States and the State flag must be flown from the State House continuously. When the General Assembly is not in session, the flags must be flown (1) continuously on each day that the Governor designates as a public occasion; and (2) on any other day when the weather permits, between sunrise and sunset.

Background: In 1971, the idea of the POW/MIA flag was first developed as a symbol for U.S. service members that were prisoners of war (POW) and missing in action (MIA). In 1990, U.S. Public Law 101-355 "officially recognized and designated [the POW/MIA flag] as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia." Section 1082 of the 1998 Defense Authorization Act requires the POW/MIA flag to be flown at certain federal locations six days each year, including Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day, and Veterans Day. The POW/MIA flag is shown in **Exhibit 1**.

Exhibit 1 POW/MIA Flag



State Fiscal Effect: The bill's requirements can be absorbed within existing budgeted resources.

The Maryland Department of Transportation advises that the bill would require approximately 156 POW/MIA flags to be flown based on the number of U.S. flags currently being flown at buildings under department control. The Department of General Services advises that the bill would require approximately 55 POW/MIA flags to be purchased.

Based on information provided by both departments, DLS estimates that expenditures on flags may exceed \$13,000 in fiscal 2015. This estimate reflects the cost of purchasing and replacing flags as necessary. Flag cost estimates range from \$50 to \$104 each. Replacement rates for flags vary from four times a year to once every one to three years.

DLS estimates that future year expenditures range from a low of \$9,000 in fiscal 2016 to a high of \$16,000 in fiscal 2019. Future year expenditures reflect projected replacement rates and a 1% annual increase in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: HB 203 (Delegate Conway, *et al.*) - Health and Government Operations.

Information Source(s): National League of Families of American Prisoners and Missing in Southeast Asia, U.S. Department of Veterans Affairs, Department of General Services, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - January 20, 2014
ns/hlb

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