

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 391 (Delegate Reilly, *et al.*)
Health and Government Operations

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 flag to be flown on the grounds of all State buildings under their control whenever the U.S. flag is flown. The bill does not apply to (1) the State House or (2) a State building that is a historic building or has a flagpole attached to the building and is determined to be structurally unable to withstand additional flags being flown from the flagpole. "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 (DGS) and the Maryland Department of Transportation (MDOT) can implement the bill with existing budgeted resources, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The POW/MIA flag and a flag to honor and remember members of the U.S. 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 U.S. flag 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 concept of the POW/MIA flag was first developed as a symbol for U.S. service members who 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.

MDOT advises that the bill requires approximately 155 POW/MIA flags to be flown at buildings under its control. DGS advises that the bill requires approximately 27 POW/MIA flags to be flown at buildings under its control. Based on information provided by both departments, the Department of Legislative Services estimates that State expenditures on flags may exceed \$9,000 in fiscal 2017. This estimate reflects the cost of purchasing and replacing flags as necessary. Flag cost estimates range from \$20 to \$50 each. Replacement rates for flags vary from twice a year to once every one to three years.

Additional Information

Prior Introductions: SB 381 of 2015 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. HB 203 of 2014, a similar bill, passed the House and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, SB 36, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

Cross File: SB 20 (Senator Mathias, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Department of General Services, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2016
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