

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 203

(Delegate Conway, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

State and County Governments - Display of the POW/MIA Flag on State and
County Building Grounds

This bill requires a county to cause the POW/MIA flag to be flown on the grounds of a county building selected by the county governing body whenever the flag of the United States is flown. With specified exceptions, the 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 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 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: Flying another flag on the grounds of certain county buildings would likely have a minimal fiscal impact on local governments. **This bill imposes a mandate on a unit of local government.**

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.

Local Fiscal Effect: The bill's impact on local government expenditures depends on the extent to which a POW/MIA flag is already being flown on the grounds of a county building and whether additional equipment will need to be installed to accommodate flying the POW/MIA flag. For example, Charles County and Baltimore City advise the bill will have no fiscal impact on the jurisdictions because the flag is already being flown on the grounds of certain jurisdiction-owned buildings. Other jurisdictions, such as Frederick County, that display the flags on certain occasions would need to purchase additional flags to comply with the bill. Finally, a jurisdiction that elects to fly the flag at a location that cannot support another flag will require additional expenditures for equipment.

Additional Information

Prior Introductions: None.

Cross File: SB 36 (Senator Mathias) - Education, Health, and Environmental Affairs.

Information Source(s): Baltimore City; Caroline, Charles, Frederick, and Montgomery counties; Department of General Services; Maryland Department of Transportation; National League of Families of American Prisoners and Missing in Southeast Asia; U.S. Department of Veterans Affairs; Department of Legislative Services

Fiscal Note History: First Reader - January 20, 2014
ncs/hlb Revised - House Third Reader - March 17, 2014

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