

STORAGE NAME: h0097.ca
DATE: September 21, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HM 97
RELATING TO: Memorial on POW/MIA Information
SPONSOR(S): Representative Fiorentino and other
COMPANION BILL(S): SB 132 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS (PRC)
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The memorial requests the United States Congress to provide the Florida Department of Veterans' Affairs (DVA) with any information regarding Florida residents who are classified as prisoners-of-war or missing-in-action (POW/MIA). Upon official notification, the DVA may begin action to determine the POW/MIA's well being and try to bring about his safe return. Any information made available to the DVA will be made accessible to members of the immediate family of the POW/MIA.

No state revenues or expenditures are required by this memorial.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

A memorial is used when the legislature wishes to speak to the Federal Government.

The issue of POW/MIA's has long been a hotly debated topic. As a matter of public policy the U.S. government does not rule out the possibility that an American POW who is not found may still be alive. According to Congressional reports, original counts of missing and unaccounted U.S. Personnel in the Vietnam war amounted to more than 2,400. As of December of 1998, 1,592 were still classified as missing in action.

B. EFFECT OF PROPOSED CHANGES:

This memorial requests the U.S. Congress to provide the DVA with any available information regarding a Florida resident classified as a U.S. POW/MIA. The memorial provides that upon notification that a Florida resident is classified as a POW/MIA, the DVA will attempt to ascertain information regarding the POW/MIA, and endeavor to bring about his or her safe return to the U.S.

Any information made available to the DVA will also be made accessible to members of the immediate family. The memorial defines immediate family as parents, children, spouses or any other family members related by blood, marriage or adoption.

Copies of the memorial are to be sent to the President of the U.S., the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of Florida's congressional delegation.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly?

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

None.

E. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The memorial does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The memorial does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The memorial does not reduce the percentage of a state tax shared with counties or municipalities.

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V. COMMENTS:

A similar memorial, HM 531, was filed during the 1999 Legislative session by Representative Fiorentino and others. It died in the Senate Committee on Rules and Calendar.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

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