

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 731 POW-MIA Chair of Honor Memorial

**SPONSOR(S):** Government Operations Appropriations Subcommittee; Hood, Jr.

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 608

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee	11 Y, 0 N	Dugan	Kiner
2) Government Operations Appropriations Subcommittee	12 Y, 0 N, As CS	White	Topp
3) Economic Affairs Committee	13 Y, 0 N	Dugan	Creamer

### SUMMARY ANALYSIS

The bill establishes the Prisoners of War-Missing In Action Chair of Honor Memorial (Memorial) to honor the sacrifices endured by members of the United States Armed Forces who were held as Prisoners Of War or remain Missing In Action.

The bill requires the Department of Management Services (DMS) to designate an area of the Capitol Complex for the Memorial and to consult with the Florida Department of Veterans' Affairs (DVA) and the Florida chapters of Rolling Thunder, Inc., regarding the design, construction, installation, and continuous management of the Memorial.

The Memorial will be funded by the Florida chapters of Rolling Thunder, Inc., without a direct appropriation of state funds; however, the DMS will incur minimal costs associated with the maintenance of the area in which the Memorial is placed.

The bill is effective upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Current Situation**

##### Prisoners of War-Missing In Action (POW-MIA)

More than 83,000 Americans remain missing from World War II, the Korean War, the Cold War, the Vietnam War and the 1991 Gulf War.<sup>1</sup> Currently, there are a total of 9,533 unaccounted for military servicemembers from the Korean War and the Vietnam War,<sup>2</sup> with 217 indicating Florida as their home of record.<sup>3</sup> In addition, 34 military servicemembers from Florida have either been accounted for (including POW returnees and POW escapees) or their remains have been recovered and identified from the Korean War and the Vietnam War.<sup>4</sup>

In accordance with the Missing Service Personnel Act,<sup>5</sup> the current number of personnel missing from operations in Iraq and other current conflicts is seven: two servicemembers from Operation Desert Storm; one servicemember and three Department of Defense contractors from Operation Iraqi Freedom; and one servicemember from Operation Enduring Freedom.<sup>6</sup>

##### Military Recognition by the Florida Legislature

The Florida Legislature recognizes the military service of Florida residents through the Florida Veterans' Hall of Fame and the Florida Medal of Honor Wall. The Florida Veterans' Hall of Fame recognizes and honors those military veterans who, through their works and lives during or after military service, made a significant contribution to the State of Florida.<sup>7</sup> The Florida Medal of Honor Wall recognizes and honors those who are accredited, or associated by birth, to the State of Florida, who through their conspicuous bravery and gallantry during wartime, and at considerable risk to their own lives, earned the Medal of Honor.<sup>8</sup>

There are no funds generated by the Veterans' Hall of Fame or Medal of Honor Wall for the benefit of veterans or their families.

##### Rolling Thunder, Inc.

Incorporated in 1995, Rolling Thunder, Inc., is a non-profit organization with over 94 chartered chapters throughout the United States and members abroad, including eight chapters in Florida.<sup>9</sup>

The major function of Rolling Thunder, Inc., is to publicize the POW-MIA issue: to educate the public that many American Prisoners Of War were left behind after all previous wars and to help correct the past and to protect the future veterans from being left behind should they become Prisoners Of War or Missing In Action.<sup>10</sup>

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<sup>1</sup> Department of Defense Prisoner of War, Missing Personnel Office (DPMO), available at: <http://www.dtic.mil/dpmo> (last viewed March 21, 2014).

<sup>2</sup> DPMO website, Summary Statistics, available at: [http://www.dtic.mil/dpmo/summary\\_statistics/](http://www.dtic.mil/dpmo/summary_statistics/) (last viewed March 21, 2014).

<sup>3</sup> DPMO website, Korean War, POW/MIA List, U.S. Servicemen, by Home of Record State, available at: <http://www.dtic.mil/dpmo/korea/reports/state/?State=fl> (last viewed March 21, 2014); DPMO website, Vietnam War, POW/MIA List, U.S. Servicemen, by Home of Record State, available at: <http://www.dtic.mil/dpmo/vietnam/reports/state/?State=fl> (last viewed March 21, 2014).

<sup>4</sup> Id.

<sup>5</sup> 10 U.S.C. §§ 1501-1513, Missing Service Personnel Act (MSPA). The MSPA tasks the DPMO with responsibility for policy, control and oversight of the entire process of investigation and recovery of missing persons (including matters related to search, rescue, escape and evasion) and for coordination between the Department of Defense and other U.S. agencies on all matters concerning missing persons.

<sup>6</sup> DPMO website, available at: <http://www.dtic.mil/dpmo/> (last viewed March 21, 2014).

<sup>7</sup> s. 265.003, F.S.

<sup>8</sup> s. 265.002, F.S.

<sup>9</sup> Rolling Thunder, Inc., website, available at: <http://www.rollingthunder1.com/index.html> (last viewed March 21, 2014).

<sup>10</sup> Rolling Thunder, Inc., website, available at: <http://www.rollingthunder1.com/index.html> (last viewed March 21, 2014).

### Management of the Capitol Complex

The DMS serves as the managing agency for the Capitol Complex<sup>11</sup>, which includes the operation and maintenance of both the grounds and buildings. According to the DMS, this responsibility for the condition of the facilities has historically included assistance in establishing and maintaining public memorials throughout the Capitol Complex.<sup>12</sup> Tasks include project management oversight of the design and construction of memorials and restoration of the state's historic structures. This activity involves coordination with the designated administering agency and often the Department of State, Division of Historical Resources.

### **Effect of Proposed Changes**

The bill creates s. 265.0031, F.S., to establish the Prisoners of War-Missing In Action Chair of Honor Memorial (Memorial) to honor the sacrifices endured by members of the United States Armed Forces who were held as Prisoners of War or remain Missing In Action.

The bill requires the DMS to designate an area of the Capitol Complex<sup>13</sup> for the memorial and to consult with the DVA and the Florida chapters of Rolling Thunder, Inc., regarding the design, construction, installation, and continuous management of the memorial.

The Memorial will be funded by the Florida chapters of Rolling Thunder, Inc., without a direct appropriation of state funds; however, the DMS will incur minimal costs associated with the maintenance of the area in which the Memorial is placed.

### **Effective Date**

The bill is effective upon becoming law.

#### **B. SECTION DIRECTORY:**

Section 1: Creates s. 265.0031, F.S., to establish the POW-MIA Chair of Honor Memorial.

Section 2: Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

The Memorial will not require a direct appropriation of state funds, but the DMS will incur minimal costs associated with the maintenance of the area in which the Memorial is placed.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

None.

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<sup>11</sup> Section 281.01 of the Florida statutes defines "Capitol Complex" to include the portions of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, and the curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Monroe Street, Jefferson Street, Duval Street, and Gaines Street. The term shall also include the State Capital Circle Office Complex located in Leon County, Florida.

<sup>12</sup> See the Agency Bill Analysis for SB 608. The analysis is on file with the House Veteran & Military Affairs Subcommittee staff.

<sup>13</sup>Id.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Not Applicable.

B. RULE-MAKING AUTHORITY:

Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 4, 2014, the Government Operations Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment further clarifies that the POW-MIA Chair of Honor Memorial will be funded by the Florida chapters of Rolling Thunder, Inc.

This analysis is drafted to the Committee Substitute as passed by the Government Operations Appropriations Subcommittee.