

# HOUSE BILL 203

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CF SB 36

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By: Delegates Conway, Cane, Eckardt, Otto, and ~~Rudolph~~ Rudolph, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliott, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Ready, Reznik, Tarrant, and V. Turner

Introduced and read first time: January 16, 2014

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2014

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## CHAPTER \_\_\_\_\_

AN ACT concerning

### **State ~~Government~~ and County Governments – Display of the POW/MIA Flag on State and County Building Grounds**

FOR the purpose of requiring a county to cause the POW/MIA flag to be flown on the grounds of a certain county building whenever the flag of the United States is flown; requiring the Secretary of General Services and the Secretary of Transportation to cause the POW/MIA flag to be flown on the grounds of certain buildings whenever the flag of the United States is flown; ~~requiring that the POW/MIA flag be flown from the State House as provided in a certain provision of law; making conforming changes;~~ providing for the application of this Act; defining a certain term; and generally relating to the display of the POW/MIA flag on the grounds of State and county buildings.

BY adding to

Article – Local Government

Section 9-114

Annotated Code of Maryland

(2013 Volume)

BY adding to

Article – State Finance and Procurement

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Section 4-210  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, with amendments,  
 Article — State Government  
 Section 13-204 and 13-205  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2013 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Local Government**

**9-114.**

**(A) IN THIS SECTION, “POW/MIA FLAG” MEANS THE POW/MIA FLAG OF THE NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA.**

**(B) A COUNTY SHALL CAUSE THE POW/MIA FLAG TO BE FLOWN ON THE GROUNDS OF A COUNTY BUILDING SELECTED BY THE GOVERNING BODY OF THE COUNTY WHENEVER THE FLAG OF THE UNITED STATES IS FLOWN.**

**Article – State Finance and Procurement**

**4-210.**

**(A) IN THIS SECTION, “POW/MIA FLAG” MEANS THE POW/MIA FLAG OF THE NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA.**

**(B) THIS SECTION DOES NOT APPLY TO:**

**(1) THE STATE HOUSE; OR**

**(2) A STATE BUILDING THAT:**

**(I) IS A HISTORIC BUILDING; OR**

**(II) 1. HAS A FLAGPOLE ATTACHED TO THE BUILDING;**

**AND**

**2. IS DETERMINED TO BE STRUCTURALLY UNABLE TO WITHSTAND ADDITIONAL FLAGS BEING FLOWN FROM THE FLAGPOLE.**

~~(B)~~ (C) THE SECRETARY OF GENERAL SERVICES AND THE SECRETARY OF TRANSPORTATION SHALL CAUSE THE POW/MIA FLAG TO BE FLOWN ON THE GROUNDS OF ALL STATE BUILDINGS UNDER THEIR CONTROL WHENEVER THE FLAG OF THE UNITED STATES IS FLOWN.

~~Article—State Government~~

~~13-204.~~

~~(A) IN THIS SECTION, “POW/MIA FLAG” MEANS THE POW/MIA FLAG OF THE NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA.~~

~~[(a)] (B) The flag of the United States [and], the State flag, AND THE POW/MIA FLAG shall be flown from the State House as provided in this section.~~

~~[(b)] (C) When the General Assembly is in session, the flags shall be flown continuously.~~

~~[(c)] (D) When the General Assembly is not in session, the flags shall 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.~~

~~[(d)] (E) The State flag shall be flown with the black stripe on the diagonal bands of the 1st quartering at the top of the flagstaff, as shown in the illustration of the State flag in “Chronicles of Colonial Maryland”.~~

~~13-205.~~

~~(a) [(1)] In this section [the following words have the meanings indicated.~~

~~(2) “Flag], “FLAG to honor and remember members of the armed forces who died in the line of duty” means:~~

~~[(i)] (1) a flag created by Honor and Remember, Inc.; or~~

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~~[(ii)] (2) the flag designated by the United States Congress as the official symbol to honor and remember members of the armed forces who died in the line of duty.~~

~~[(3) "POW/MIA flag" means the POW/MIA flag of the National League of Families of American Prisoners and Missing in Southeast Asia.]~~

~~(b) (1) Subject to paragraph (2) of this subsection, each year, [the POW/MIA flag and] a flag to honor and remember members of the armed forces who died in the line of duty shall be flown on the State House grounds on:~~

~~(i) the third Saturday in May, for Armed Forces Day;~~

~~(ii) May 30, for Memorial Day;~~

~~(iii) the day that the United States Congress designates for the observance of Memorial Day if other than May 30;~~

~~(iv) the Saturday and Sunday that are closest to May 30, unless the United States Congress designates another day for the observance of Memorial Day, in which case, the Saturday and Sunday that are closest to the day designated by the United States Congress;~~

~~(v) July 4, for Independence Day;~~

~~(vi) [the third Friday in September, for POW/MIA Recognition Day;~~

~~(vii)] November 11, for Veterans' Day;~~

~~[(viii)] (VII) the day that the United States Congress designates for the observance of Veterans' Day if other than November 11; and~~

~~[(ix)] (VIII) the Saturday and Sunday that are closest to November 11, unless the United States Congress designates another day for the observance of Veterans' Day, in which case, the Saturday and Sunday that are closest to the day designated by the United States Congress.~~

~~(2) If the United States Congress designates a flag as the official symbol to honor and remember members of the armed forces who died in the line of duty, the flag designated by Congress shall be flown in accordance with paragraph (1) of this subsection.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.