

# HOUSE BILL 203

P1

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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 \_\_\_\_\_

1 AN ACT concerning

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

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

13 BY adding to  
14 Article – Local Government  
15 Section 9–114  
16 Annotated Code of Maryland  
17 (2013 Volume)

18 BY adding to  
19 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.



1 Section 4-210  
2 Annotated Code of Maryland  
3 (2009 Replacement Volume and 2013 Supplement)

4 ~~BY repealing and reenacting, with amendments,~~  
5 ~~Article – State Government~~  
6 ~~Section 13-204 and 13-205~~  
7 ~~Annotated Code of Maryland~~  
8 ~~(2009 Replacement Volume and 2013 Supplement)~~

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

11 **Article – Local Government**

12 **9-114.**

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

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

19 **Article – State Finance and Procurement**

20 **4-210.**

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

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

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

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

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

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

29 **AND**

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

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

7                                   ~~Article—State Government~~

8   ~~13-204.~~

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

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

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

16           ~~[(c)] (D)~~     ~~When the General Assembly is not in session, the flags shall be~~  
 17 ~~flown:~~

18                           ~~(1)~~     ~~continuously on each day that the Governor designates as a public~~  
 19 ~~occasion; and~~

20                           ~~(2)~~     ~~on any other day when the weather permits, between sunrise and~~  
 21 ~~sunset.~~

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

25   ~~13-205.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 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.