

**Introduced by Committee on Veterans Affairs (Senators Correa (Chair), Berryhill, Calderon, Cannella, La Malfa, Negrete McLeod, and Rubio)**

February 18, 2011

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An act to amend Section 436 of the Government Code, and to amend Section 1831 of the Military and Veterans Code, relating to the military.

LEGISLATIVE COUNSEL'S DIGEST

SB 812, as introduced, Committee on Veterans Affairs. Flag protocol: POW/MIA Flag.

Existing law requires the National Flag to be above the State Flag where they are both used. Existing law also requires the flag of the National League of POW/MIA Families (POW/MIA Flag) to be flown at all state-owned buildings or facilities where the National Flag and the State Flag fly, as specified.

This bill would, where the National Flag, State Flag, and POW/MIA Flag are used, and only one flagpole is used, require the National Flag to be above the State Flag, and the State Flag to be above the POW/MIA Flag.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 436 of the Government Code is amended
- 2 to read:
- 3 436. (a) Where the National and State Flags are used, they
- 4 shall be of the same size. If only one flagpole is used, the National
- 5 Flag shall be above the State Flag and the State Flag shall be hung

1 in such manner as not to interfere with any part of the National  
2 Flag. At all times the National Flag shall be placed in the position  
3 of first honor.

4 *(b) Where the National Flag, State Flag and flag of the National*  
5 *League of POW/MIA Families (POW/MIA Flag) are used, and*  
6 *only one flagpole is used, the National Flag shall be above the*  
7 *State Flag, and the State Flag shall be above the POW/MIA Flag.*

8 SEC. 2. Section 1831 of the Military and Veterans Code is  
9 amended to read:

10 1831. (a) So that the people of California will not forget the  
11 sacrifices of those members of the United States Armed Forces  
12 who, after the termination of hostilities, remain prisoners of war  
13 or are missing in action, as well as the sacrifices of missing United  
14 States nonmilitary personnel and civilians, the Governor shall  
15 annually proclaim the third Friday of September to be known as  
16 Prisoner-of-War/Missing-in-Action (POW/MIA) Recognition Day.

17 (b) The flag of the National League of POW/MIA Families  
18 (POW/MIA Flag) is a black and white banner symbolizing those  
19 members of the United States Armed Forces who are listed as  
20 POW or MIA. The flag serves as a powerful reminder to people  
21 everywhere of our country's firm resolve to achieve the fullest  
22 possible accounting for every member of the United States Armed  
23 Forces, and United States nonmilitary personnel and civilians. The  
24 flag shall be flown during business hours, at all state-owned  
25 buildings or facilities where the United States Flag and the  
26 California State Flag fly, if the flag can be attached to existing  
27 flagpoles or other existing structures on which the United States  
28 Flag or California Flag fly. The state may accept donations of  
29 POW/MIA Flags and related materials.

30 (c) The flag shall be flown at the Vietnam Veterans Memorial  
31 located on the grounds of the State Capitol whenever the United  
32 States Flag is flown at that location.

33 (d) Additionally, the Governor and the Legislature are authorized  
34 and requested to issue proclamations calling upon the people,  
35 schools, and local governments of California to recognize  
36 POW/MIA Recognition Day with appropriate ceremonies and  
37 activities.

- 1     (e) *The POW/MIA Flag shall be flown in accordance with*
- 2     *Section 436 of the Government Code.*

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