

AMENDED IN SENATE JUNE 22, 1998
AMENDED IN ASSEMBLY APRIL 20, 1998
AMENDED IN ASSEMBLY APRIL 2, 1998
AMENDED IN ASSEMBLY MARCH 24, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1838

**Introduced by Assembly Member Kuykendall
(Principal coauthors: Assembly Members Margett and
Olberg)**

**(Coauthors: Assembly Members Alquist, Alby, Ashburn,
Baldwin, Battin, Cunneen, Havice, House, Kaloogian,
Knox, Leach, Morrissey, ~~Seott~~, Prenter, Scott, Thompson,
and Woods)**

(Coauthors: Senators Kopp, Peace, and Solis)

February 12, 1998

An act to amend Section 1831 of the Military and Veterans Code, relating to the POW/MIA Flag.

LEGISLATIVE COUNSEL'S DIGEST

AB 1838, as amended,
Kuykendall. Prisoner-of-War/Missing-in-Action Flag:
public buildings and grounds.

Existing law requires the Governor to annually proclaim the 3rd Friday of September to be known as Prisoner-of-War/Missing-in-Action (POW/MIA) Recognition Day and requires the flag of the National League of

POW/MIA Families to be flown over certain prescribed state buildings.

This bill, in addition, would require the flag to be flown ~~during business hours, at locations where the United States flag and the California flag currently fly, on prescribed dates~~ over ~~specified~~ public buildings and grounds, *as specified*, including, among others, at each campus of the California Community Colleges. Thus, because the bill would impose additional duties and responsibilities upon community college districts, the bill would impose a state-mandated local program. The bill would also apply to the University of California only if the regents make the provision applicable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. The Legislature hereby finds and
- 2 declares all of the following:
- 3 (a) Thousands of Americans who served our country
- 4 in military encounters have been captured by the enemy,
- 5 listed as missing in action, or are unaccounted for and
- 6 missing.
- 7 (b) The uncertainty over the welfare of these
- 8 Americans has caused their families unimaginable
- 9 suffering.
- 10 (c) As a symbol of California's concern and
- 11 commitment to a full accounting of all Americans who are
- 12 still prisoners of war, missing in action, or unaccounted



1 for, the Legislature officially recognizes the flag of the
2 National League of POW/MIA Families.

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

5 1831. (a) So that the people of California will not
6 forget the sacrifices of those members of the United States
7 Armed Forces who, after the termination of hostilities,
8 remain prisoners of war or are missing in action, as well
9 as the sacrifices of missing United States nonmilitary
10 personnel and civilians, the Governor shall annually
11 proclaim the third Friday of September to be known as
12 Prisoner-of-War/Missing-in-Action (POW/MIA)
13 Recognition Day.

14 (b) The flag of the National League of POW/MIA
15 Families (POW/MIA Flag) is a black and white banner
16 symbolizing those members of the United States Armed
17 Forces who are listed as prisoners of war or missing in
18 action. The flag serves as a powerful reminder to people
19 everywhere of our country's firm resolve to achieve the
20 fullest possible accounting for every member of the
21 United States Armed Forces, and United States
22 nonmilitary personnel and civilians. ~~The~~ *To the extent it*
23 *is structurally feasible, the* flag shall be flown during
24 business hours, at locations where the United States flag
25 and the California flag currently fly, over all of the
26 following places on the dates specified in subdivision (d):

- 27 (1) All California National Guard armories.
28 (2) Governor's Mansion.
29 (3) Department of Veterans Affairs.
30 (4) Military Department.
31 (5) State Capitol.
32 (6) All of the headquarters of the following agencies in
33 Sacramento:
34 (A) Business, Transportation and Housing Agency.
35 (B) California Environmental Protection Agency.
36 (C) Health and Welfare Agency.
37 (D) Office of Child Development and Education.
38 (E) Resources Agency.
39 (F) State and Consumer Services Agency.
40 (G) Trade and Commerce Agency.

1 (H) Youth and Adult Correctional Agency.

2 (c) In addition to subdivision (b) *and to the extent it*
3 *is structurally feasible*, the flag shall be ~~flown during~~
4 ~~business hours, at locations where the United States flag~~
5 ~~and the California flag currently fly, over all of~~ *flown over*
6 the following public buildings and grounds on the dates
7 specified in subdivision (d):

8 ~~(1) Each public building belonging to the state.~~

9 *(1) Each state-owned building or facility that displays*
10 *the United States flag and the California state flag.*

11 (2) Every state park.

12 (3) Each campus of the University of California, to the
13 extent that the Regents of the University of California, by
14 appropriate resolution, make this paragraph applicable to
15 the university.

16 (4) Each campus of the California State University,
17 and the California Community Colleges.

18 (5) Every agricultural inspection station just inside
19 California and located on every highway leading into
20 California.

21 (6) Every state highway maintenance station.

22 (d) (1) For the purposes of subdivisions (b) and (c),
23 the POW/MIA Flag shall be flown on the following dates:

24 (A) Armed Forces Day, the third Saturday in May.

25 (B) Memorial Day, the last Monday in May.

26 (C) Flag Day, June 14.

27 (D) Independence Day, July 4.

28 (E) National POW/MIA Recognition Day, the third
29 Friday in September.

30 (F) Veterans Day, November 11.

31 (2) If June 14, July 4, or November 11 falls upon a
32 Saturday, the flag shall be flown on the preceding Friday.
33 If any of those dates fall upon a Sunday, the flag shall be
34 flown on the following Monday.

35 (e) *The flag shall be flown at the Vietnam Veterans*
36 *Memorial located on the grounds of the State Capitol*
37 *whenever the United States flag is flown at that location.*

38 (f) Additionally, the Governor and the Legislature are
39 authorized and requested to issue proclamations calling
40 upon the people, schools, and local governments of



1 California to recognize POW/MIA Recognition Day with
2 appropriate ceremonies and activities.

3 SEC. 3. Notwithstanding Section 17610 of the
4 Government Code, if the Commission on State Mandates
5 determines that this act contains costs mandated by the
6 state, reimbursement to local agencies and school
7 districts for those costs shall be made pursuant to Part 7
8 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the
10 claim for reimbursement does not exceed one million
11 dollars (\$1,000,000), reimbursement shall be made from
12 the State Mandates Claims Fund.

13 Notwithstanding Section 17580 of the Government
14 Code, unless otherwise specified, the provisions of this act
15 shall become operative on the same date that the act
16 takes effect pursuant to the California Constitution.

