



House of Representatives

File No. 757

General Assembly

January Session, 2013

(Reprint of File No. 136)

House Bill No. 6457
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
May 6, 2013

**AN ACT CONCERNING THE DISPLAY OF THE STATE OR NATIONAL
FLAG AT HALF-STAFF AND THE PLACEMENT OF FLAGS ON
CEMETERY GRAVES PRIOR TO MEMORIAL DAY.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 3-10f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) [Whenever the Governor prescribes that the state flag be flown at
4 half-staff for a period following the death in the line of duty of a
5 member of the armed forces, the Governor shall also prescribe that the
6 national flag be flown at half-staff for the same period.] In the event of
7 the death of a present or former principal figure of state government or
8 of a member of the armed forces, as defined in section 27-103, who is
9 from Connecticut and dies in the line of duty, the Governor may
10 proclaim that the national flag be flown at half-staff. When such
11 proclamation is issued, all state government buildings, offices, public
12 schools and military bases shall fly the national flag and the state flag
13 at half-staff.

14 (b) In the event of the death of a state official or prominent citizen,
 15 the Governor may proclaim that the state flag be flown at half-staff.
 16 When such proclamation is issued, all state government buildings,
 17 offices, public schools and military bases shall fly the state flag at half-
 18 staff.

19 Sec. 2. Section 19a-297 of the general statutes is repealed and the
 20 following is substituted in lieu thereof (*Effective October 1, 2013*):

21 The selectmen of towns, cemetery associations or ecclesiastical
 22 societies, having the care of cemeteries, may (1) enact bylaws
 23 providing for the care and management of all burial lots, and the
 24 protection of all shrubs, trees, fences and monuments thereon,
 25 provided no such bylaws shall (A) require or result in the removal or
 26 banishing of any undamaged United States flag or armed forces
 27 service marker, including flagholders provided by veterans
 28 organizations, from any grave site, or (B) restrict the placement of
 29 United States flags on the graves of veterans from the [Saturday]
 30 Friday before Memorial Day in each year until the Monday after the
 31 fourth of July, and (2) appoint superintendents and sextons for such
 32 cemeteries. Such superintendents and sextons shall have the exclusive
 33 right to direct the opening of graves, and no grave shall be opened in
 34 any cemetery except with the consent of the superintendent or sexton.
 35 Any person to whom such bylaws have been made known who
 36 violates the same shall be fined not more than ten dollars. The
 37 incorporators, organizers or members of any cemetery association or, if
 38 no incorporators, organizers or members are living, the owners of
 39 burial lots therein, by a majority vote, may, at any meeting called for
 40 that purpose, amend its articles of association or its bylaws.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	3-10f
Sec. 2	<i>October 1, 2013</i>	19a-297

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill prescribes when the national and state flags on state property shall be flown at half-staff and also allows the placement of national flags on the graves of veterans starting on the Friday before Memorial Day. There is no fiscal impact to the state or municipalities associated with the provisions of the bill.

House "A" allows the Governor to fly the state flag at half-staff upon the death of a prominent citizen. House "A" has no fiscal impact.

House "B" adds an allowance for the placement of national flags on the graves of veterans starting on the Friday before Memorial Day. House "B" has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 6457 (as amended by House "A" and "B")******AN ACT CONCERNING THE DISPLAY OF THE STATE OR NATIONAL FLAG AT HALF-STAFF.*****SUMMARY:**

This bill conforms state law to federal law by authorizing the governor to issue a proclamation ordering the national flag to be flown at half-staff following the death of a (1) present or former principal figure of state government or (2) member of the armed forces who is from Connecticut and dies in the line of duty. When the governor issues such a proclamation, the state flag must also be flown at half-staff.

The bill also authorizes the governor to issue a proclamation ordering that the state flag alone be flown at half-staff following the death of a state official or prominent citizen.

After the governor issues either type of proclamation, the bill requires all state government buildings and offices, public schools, and military bases to fly the national and state flags in accordance with the order.

Current law requires the governor to order that the national flag be flown at half-staff after he orders that the state flag be flown at half-staff following the death of an armed forces member who dies in the line of duty.

The bill defines "armed forces" as the U.S. Army, Navy, Marine Corps, Coast Guard, Air Force, or any reserve component thereof, including the Connecticut National Guard. The bill does not define "principal figure of state government" or "state official or prominent

citizen.”

Current law prohibits towns, cemetery associations, or ecclesiastical societies that care for cemeteries from enacting bylaws that restrict U.S. flags’ display at veterans’ graves from the Saturday before Memorial Day until the Monday following the 4th of July. The bill extends this period by one day, beginning it on the Friday before Memorial day.

*House Amendment “A” changed “celebrity” to “prominent citizen,” clarifying for whom the governor can order the state flag alone be flown at half-staff.

*House Amendment “B” extends the period in which U.S. flags’ display at veterans’ graves is protected by beginning the period one day earlier.

EFFECTIVE DATE: Upon passage, except the provision concerning U.S. flags displayed at veterans’ graves is effective October 1, 2013.

BACKGROUND

The federal Flag Code codifies rules and customs for the display and care of the U.S. flag. Among other things, the code authorizes U.S. governors to issue proclamations ordering that the national flag be flown at half-staff following the death of a (1) present or former state government official or (2) state armed forces member who dies in the line of duty. After a governor issues such a proclamation, each federal installation or facility should fly its national flag at half-staff. No state or local flag may be flown higher than the national flag, so when the national flag is flown at half-staff, so should state and local flags (4 USC § 7).

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable

Yea 13 Nay 0 (03/07/2013)