

House Bill 16 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Brooks of the 54<sup>th</sup>, Smyre of the 136<sup>th</sup>, Ashe of the 46<sup>th</sup>, Epps of the 131<sup>st</sup>, Taylor of the 134<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 3 of Title 50 of the Official Code of Georgia  
2 Annotated, relating to the state flag and other flags, so as to change the design and  
3 description of the state flag; to provide for the preservation and protection of certain  
4 public monuments and memorials; to provide for judicial procedures; to provide for  
5 related matters; to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official  
6 Code of Georgia Annotated, known as the "Budget Act," so as to provide that any  
7 agency which is eligible to receive appropriated state funds shall be required to  
8 display the Georgia state flag; to define a certain term; to provide that no funds may  
9 be made available for expenditure by any agency which is not in compliance with the  
10 provisions of this Act; to provide for enforcement; to provide an effective date; to  
11 repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

13 Article 1 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating  
14 to the state flag and other flags, is amended by striking Code Section 50-3-1, relating  
15 to the description of the state flag, and inserting in lieu thereof a new Code Section  
16 50-3-1 to read as follows:  
17

18 "50-3-1.

19 (a) The flag of the State of Georgia shall be a ~~vertical band of blue occupying~~  
20 ~~one-third of the entire flag nearest to the flagstaff. The remainder of the space shall~~  
21 ~~be a square, two-thirds the length of the flag, having a red background with a broad~~  
22 ~~saltire of blue bordered with white on which 13 white mullets or five-pointed stars,~~  
23 ~~corresponding in number to that of the Confederate States of America as recognized~~  
24 ~~by the Confederate States Congress, are emblazoned; so that such remainder shall~~  
25 ~~be the same as the union of the flag of the Confederate States as approved and cited~~  
26 ~~in Statutes at Large of the Confederate States Congress, 1st and 2nd Sessions;~~

~~1862-63, 1863-64, and approved May 1, 1863, such remainder being popularly known as the Battle Flag of the Confederacy. On the blue field shall be stamped, painted, or embroidered the coat of arms of the state: blue field, centered upon which shall be placed a representation of that side of the great seal of the state described at subsection (c) of Code Section 50-3-30, centered in a circle of 13 equally spaced white mullets or five-pointed stars, and beneath the same shall be an escroll or ribbon, gold, two-thirds the length of the field, bearing the words 'Georgia's History' and charged below said words with a representation of five flags horizontally presented as follows: the first, to the left, being that version of the flag of the United States of America consisting of a field of 13 red and white stripes and, centered in a canton of blue, a circle of 13 equally spaced white mullets or five-pointed stars, as adopted by the Continental Congress in 1777 and commonly known as the 'Stars and Stripes' or the '1777 Flag'; to the right thereof a flag consisting of a field of blue, centered upon which shall be placed a representation of the coat of arms of the state as the same appeared on the great seal of the state adopted in 1799, and which flag is commonly known as the 'Pre-1879 Georgia State Flag'; to the right thereof a flag consisting of a vertical band of blue occupying the leftmost one-third of the entire flag, on which shall be placed a representation of that side of the great seal of the state approved in 1914 which contained the coat of arms of the state, and the remainder of which flag shall consist of a scarlet field horizontally bisected by a white band such that said band shall be equal in width to the remainder of the scarlet field both above and below, which flag is commonly known as the 'Pre-1956 Georgia State Flag'; to the right thereof the flag of the State of Georgia as approved at Ga. L. 1956, p. 38, Section 1; and to the right thereof that version of the flag of the United States of America consisting of a field of 13 red and white stripes and a canton of blue bearing 50 white mullets or five-pointed stars, such that such flag shall represent the flag of the United States of America as the same appeared on July 4, 1960. And under the horizontal representation of the five flags, the phrase 'In God We Trust' shall be written in the blue section and in the same gold color as the State Seal. Every force of the organized militia shall carry this flag when on parade or review.~~

~~(b)(1) It shall be unlawful for any person, firm, corporation, or other entity to mutilate, deface, defile, or abuse contemptuously any publicly owned monument, plaque, marker, or memorial which is dedicated to, honors, or recounts the military service of any past or present military personnel of this state, the United States of America or the several states thereof, or the Confederate States of America or the several states thereof, and no officer, body, or representative of~~

1 state or local government or any department, agency, authority, or instrumentality  
 2 thereof shall remove or conceal from display any such monument, plaque, marker,  
 3 or memorial for the purpose of preventing the visible display of the same. A  
 4 violation of this paragraph shall constitute a misdemeanor.

5 (2) No publicly owned monument or memorial erected, constructed, created, or  
 6 maintained on the public property of this state or its agencies, departments,  
 7 authorities, or instrumentalities in honor of the military service of any past or  
 8 present military personnel of this state, the United States of America or the several  
 9 states thereof, or the Confederate States of America or the several states thereof  
 10 shall be relocated, removed, concealed, obscured or altered in any fashion;  
 11 provided, however, that appropriate measures for the preservation, protection, and  
 12 interpretation of such monuments or memorials shall not be prohibited.

13 (3) Conduct prohibited by this subsection shall be enjoined by the appropriate  
 14 superior court upon proper application therefor.

15 (c) Any other provision of law notwithstanding, the memorial to the heroes of the  
 16 Confederate States of America graven upon the face of Stone Mountain shall never  
 17 be altered, removed, concealed, or obscured in any fashion and shall be preserved  
 18 and protected for all time as a tribute to the bravery and heroism of the citizens of  
 19 this state who suffered and died in their cause."

## 20 SECTION 2.

21 Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia  
 22 Annotated, known as the "Budget Act," is amended by adding between Code Sections  
 23 45-12-83 and 45-12-84 a new Code Section 45-12-83.1 to read as follows:

24 "45-12-83.1.

25 (a) As used in this Code section, the term 'agency' means:

- 26 (1) Every state department, agency, board, bureau, commission, public  
 27 corporation, and authority;  
 28 (2) Every county, municipal corporation, school district, or other political  
 29 subdivision of this state;  
 30 (3) Every department, agency, board, bureau, commission, authority, or similar  
 31 body of each such county, municipal corporation, or other political subdivision of  
 32 the state; and  
 33 (4) Every city, county, regional, or other authority established pursuant to the  
 34 laws of this state.

35 (b) Notwithstanding the provisions of Code Section 50-3-4.1, any agency which is  
 36 eligible to receive appropriated state funds shall be required to display the Georgia

1 state flag provided for in Code Section 50-3-1. No funds may be made available for  
 2 expenditure by any agency which is not in compliance with the provisions of this  
 3 subsection. The Office of Planning and Budget shall investigate any allegations of  
 4 noncompliance with the provisions of this Code section. The Office of Planning and  
 5 Budget and the Office of Treasury and Fiscal Services shall enforce the provisions  
 6 of this Code section."

7 **SECTION 3.**

8 Said chapter is further amended by striking subsection (c) of Code Section 50-3-30,  
 9 relating to the description of the great seal of the state, in its entirety and inserting  
 10 in lieu thereof a new subsection (c) to read as follows:

11 "(c) The device on the other side is three pillars supporting an arch, with the  
 12 word 'Constitution' engraved within the same, emblematic of the Constitution,  
 13 supported by the three departments of government, namely the legislative,  
 14 judicial, and executive. The first pillar has engraved upon it a scroll 'Wisdom,' the  
 15 second, 'Justice,' the third, 'Moderation'; ~~on the right of the last pillar~~ between the  
 16 second and third pillars a man stands with a drawn sword, representing the aid of  
 17 the military in the defense of the Constitution, and the motto is 'State of Georgia,  
 18 1776.'"

19 **SECTION 4.**

20 This Act shall become effective upon its approval by the Governor or upon its  
 21 becoming law without such approval.

22 **SECTION 5.**

23 All laws and parts of laws in conflict with this Act are repealed.