

The House Committee on Rules offered the following substitute to HB 16:

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 provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating
10 to the state flag and other flags, is amended by striking Code Section 50-3-1, relating
11 to the description of the state flag, and inserting in lieu thereof a new Code Section
12 50-3-1 to read as follows:

13 "50-3-1.

14 (a) The flag of the State of Georgia shall be a ~~vertical band of blue occupying~~
15 ~~one-third of the entire flag nearest to the flagstaff. The remainder of the space shall~~
16 ~~be a square, two-thirds the length of the flag, having a red background with a broad~~
17 ~~saltire of blue bordered with white on which 13 white mullets or five-pointed stars,~~
18 ~~corresponding in number to that of the Confederate States of America as recognized~~
19 ~~by the Confederate States Congress, are emblazoned; so that such remainder shall~~
20 ~~be the same as the union of the flag of the Confederate States as approved and cited~~
21 ~~in Statutes at Large of the Confederate States Congress, 1st and 2nd Sessions,~~
22 ~~1862-63, 1863-64, and approved May 1, 1863, such remainder being popularly~~
23 ~~known as the Battle Flag of the Confederacy. On the blue field shall be stamped,~~
24 ~~painted, or embroidered the coat of arms of the state. blue field, centered upon~~
25 ~~which shall be placed a representation of that side of the great seal of the state~~
26 ~~described at subsection (c) of Code Section 50-3-30, centered in a circle of 13~~

1 equally spaced white mullets or five-pointed stars, and beneath the same shall be an
 2 escroll or ribbon, gold, two-thirds the length of the field, bearing the words
 3 'Georgia's History' and charged below said words with a representation of five flags
 4 horizontally presented as follows: the first, to the left, being that version of the flag
 5 of the United States of America consisting of a field of 13 red and white stripes and,
 6 centered in a canton of blue, a circle of 13 equally spaced white mullets or five-
 7 pointed stars, as adopted by the Continental Congress in 1777 and commonly
 8 known as the 'Stars and Stripes' or the '1777 Flag'; to the right thereof a flag
 9 consisting of a field of blue, centered upon which shall be placed a representation
 10 of the coat of arms of the state as the same appeared on the great seal of the state
 11 adopted in 1799, and which flag is commonly known as the 'Pre-1879 Georgia State
 12 Flag'; to the right thereof a flag consisting of a vertical band of blue occupying the
 13 leftmost one-third of the entire flag, on which shall be placed a representation of
 14 that side of the great seal of the state approved in 1914 which contained the coat of
 15 arms of the state, and the remainder of which flag shall consist of a scarlet field
 16 horizontally bisected by a white band such that said band shall be equal in width to
 17 the remainder of the scarlet field both above and below, which flag is commonly
 18 known as the 'Pre-1956 Georgia State Flag'; to the right thereof the flag of the State
 19 of Georgia as approved at Ga. L. 1956, p. 38, Section 1; and to the right thereof that
 20 version of the flag of the United States of America consisting of a field of 13 red
 21 and white stripes and a canton of blue bearing 50 white mullets or five-pointed stars,
 22 such that such flag shall represent the flag of the United States of America as the
 23 same appeared on July 4, 1960. Every force of the organized militia shall carry this
 24 flag when on parade or review.

25 (b)(1) It shall be unlawful for any person, firm, corporation, or other entity to
 26 mutilate, deface, defile, or abuse contemptuously any publicly owned monument,
 27 plaque, marker, or memorial which is dedicated to, honors, or recounts the
 28 military service of any past or present military personnel of this state, the United
 29 States of America or the several states thereof, or the Confederate States of
 30 America or the several states thereof, and no officer, body, or representative of
 31 state or local government or any department, agency, authority, or instrumentality
 32 thereof shall remove or conceal from display any such monument, plaque, marker,
 33 or memorial for the purpose of preventing the visible display of the same. A
 34 violation of this paragraph shall constitute a misdemeanor.

35 (2) No publicly owned monument or memorial erected, constructed, created, or
 36 maintained on the public property of this state or its agencies, departments,
 37 authorities, or instrumentalities in honor of the military service of any past or

1 present military personnel of this state, the United States of America or the several
2 states thereof, or the Confederate States of America or the several states thereof
3 shall be relocated, removed, concealed, obscured or altered in any fashion;
4 provided, however, that appropriate measures for the preservation, protection, and
5 interpretation of such monuments or memorials shall not be prohibited.

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

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

13 **SECTION 2.**

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

16 **SECTION 3.**

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