



SPONSOR: Rep. Michael Smith & Rep. Carson &
Rep. Dorsey Walker & Rep. Ramone & Sen. Ennis &
Sen. Lawson
Reps. Baumbach, Brady, Briggs King, Chukwuocha,
Collins, Dukes, Gray, Hensley, Mitchell, D. Short, Smyk,
Spiegelman, Vanderwende, K. Williams, Yearick; Sens.
Hansen, Hocker, Lopez, Mantzavinos, Pettyjohn,
Pinkney, Townsend, Walsh

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 68

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE AND VOLUME 68, CHAPTER 88 OF THE LAWS OF
DELAWARE, RELATING TO BUILDINGS AND GROUNDS

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 408, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 408. Display of POW/MIA flag.

4 ~~State agencies, including all public schools;~~ A state agency, including a public school, shall cause a POW/MIA
5 flag to be displayed out-of-doors (~~weather permitting~~) on its installation, grounds, or campus at each location on ~~National~~
6 ~~POW/MIA Recognition Day~~ each day the flag of the United States is so displayed. ~~This section shall apply only where~~
7 ~~public buildings, including school buildings, are equipped with flagpoles.~~

8 Section 2. Amend Chapter 88, Volume 68 of the Laws of Delaware by making deletions as shown by strike
9 through and insertions as shown by underline as follows:

10 ~~Section 1. On or after September 19, 1991, each State-owned building at which the flag of the United States is~~
11 ~~displayed shall also display a P.O.W.-M.I.A. flag, if such flag is available free of charge to the Department of~~
12 ~~Administrative Services or other agency which has responsibility for such matters, or the agency which occupies the most~~
13 ~~space in the building; and if such display is in accordance with federal laws and regulations.~~

14 ~~Section 2. This Act shall take effect on July 1, 1991, or upon becoming law, whichever occurs later.~~

SYNOPSIS

The National League of Families POW/MIA flag is a “symbol of our Nation's concern and commitment to
resolving as fully as possible the fates of Americans still prisoners, missing, or unaccounted for in all U.S. wars” 36. U.S.C.
§ 902.

In 1989, the United States required the National League of Families POW/MIA flag be flown on Armed Forces
Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day, and Veterans Day.

In 1991, Delaware enacted Senate Bill No. 87, Chapter 88 of Volume 68 of the Laws of Delaware, which required
certain state buildings to fly the POW/MIA flag each day. Senate Bill No. 87 was not drafted as an amendment to the
Delaware Code and so was not included in the Delaware Code.

This Act codifies Senate Bill No. 87 into § 408 of Title 29 to conform § 408 with existing Delaware and federal law in recognition of this State's commitment to our Veterans.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.