

BEST PRACTICES CONCERNING THE FLYING OF STATE AND NATIONAL FLAGS

General rules

- No flag should fly above the U.S. or State of Texas flag.
- If a flag cannot be properly displayed in relation to the previous rule, then that flag should be grounded and removed from the pole or display.

When U.S. flags are ordered to half-staff

Requirements:

- The U.S. flag shall be flown at half-staff.
- Since no flag in any display shall fly above the U.S. flag, the State of Texas and other flags shall be flown at half-staff for the same duration of time as the U.S. flag.
- At the beginning of the day that flags have been ordered to half-staff, the U.S. flag shall be raised briskly to the peak of the flag pole and then slowly lowered to the position of half-staff.

Particular flag displays:

1. *Single flag pole display:* if the U.S. and State of Texas flags are displayed on the same flag pole, both the U.S. and the State of Texas flag shall be flown at half staff.
2. *Multiple flag pole display:* if the U.S. and State of Texas flags are in the same display on separate poles, both the U.S. and State of Texas flags to half-staff should be lowered to half-staff. If the U.S. and State of Texas flags are displayed along with historical replica flags of other nations (e.g., Spain, France, Mexico, and the Confederacy), then the U.S. and State of Texas flags should be displayed at half-staff and the replica flags should be removed from the display for the period of time the flags have been ordered to half-staff.

When only State Flags are ordered to half-staff

- The U.S. flag shall remain at full staff.
- At the beginning of the day, the State of Texas flag shall be raised briskly to the peak of the flag pole and then slowly lowered to the position of half-staff for the rest of the day.
- No flag in any display shall fly above the U.S. or State of Texas flag.

Particular flag displays:

1. *Single flag pole display:* if the U.S. and State of Texas flags are displayed on the same flag pole, the agency has two options: (a) remove the State of Texas flag from the pole and keep the U.S. flag flying at full-staff, (b) remove the U.S. flag from the pole and fly

the State of Texas flag at half staff. It is not acceptable to have the U.S. flag at full-staff and the State of Texas flag at half-staff on the same pole.

2. *Multiple flag pole display*: if the U.S. and State of Texas flags are in the same display on separate poles, both the U.S. and State of Texas flags should be lowered to half-staff. If the U.S. and State of Texas flags are displayed along with historical replica flags of other nations (e.g., Spain, France, Mexico, and the Confederacy), then the U.S. and State of Texas flags should be displayed at half-staff and the replica flags should be removed from the display for the period of time the flags have been ordered to half-staff.

STATUTORY REFERENCES FOR PROPER DISPLAY OF THE FLAG:

Texas Government Code §3100.

<http://tlo2.tlc.state.tx.us/statutes/gv.toc.htm>

Texas Government Code

§ 3100.065. DISPLAY AT HALF-STAFF.

- (a) If the state flag is to be displayed at half-staff, the flag should be hoisted to the peak of the flagpole for an instant and then lowered to the half-staff position.
- (b) Before the state flag is lowered for the day, it should first be raised to the peak of the flagpole.
- (c) On Memorial Day, the state flag should be displayed at half-staff until noon and at that time raised to the peak of the flagpole.
- (d) The state flag should be displayed at half-staff on Peace Officers Memorial Day, May 15, unless that date is also Armed Forces Day.
- (e) By order of the governor, the state flag shall be displayed at half-staff on a person's death as a mark of respect to the memory of that person.

Added by Acts 2001, 77th Leg., ch. 1420, § 7.001, eff. Sept. 1, 2001.

United States Code Title 4 – Chapter 1: The Flag.

<http://www4.law.cornell.edu/uscode/4/7.html>

United States Code

Title 4 USC 1 § 7

- (m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential

instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff, and the same authority is provided to the Mayor of the District of Columbia with respect to present or former officials of the District of Columbia and members of the Armed Forces from the District of Columbia. When the Governor of a State, territory, or possession, or the Mayor of the District of Columbia, issues a proclamation under the preceding sentence that the National flag be flown at half-staff in that State, territory, or possession or in the District of Columbia because of the death of a member of the Armed Forces, the National flag flown at any Federal installation or facility in the area covered by that proclamation shall be flown at half-staff consistent with that proclamation. The flag shall be flown at half-staff 30 days from the death of the President or a former President; 10 days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. As used in this subsection—

- (1) the term “half-staff” means the position of the flag when it is one-half the distance between the top and bottom of the staff;
- (2) the term “executive or military department” means any agency listed under sections 101 and 102 of title 5, United States Code; and
- (3) the term “Member of Congress” means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.