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FISCAL IMPACT REPORT

SPONSOR Murphy/Dow LAST UPDATED 2/24/2025
ORIGINAL DATE 2/21/2025
SHORT TITLE Retiring of State Flags BILL NUMBER House Bill 468
ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Department of Military Affairs (DMA)
General Services Department (GSD)

SUMMARY

Synopsis of House Bill 468

House Bill 468 (HB468) enacts the manner in which a New Mexico state flag is retired.

If no longer used or useful, the flag may be destroyed in a dignified manner in a public ceremony under the direction of military service personnel, a patriotic society, or a private ceremony.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

GSD reports no fiscal or administrative implications for the department.

For local governments, it will be important to conform to local fire ordinances.

SIGNIFICANT ISSUES

The bill does not impose a mandate, it only suggests guidelines for honoring a retired state flag that is consistent with the U.S. Flag Code in terms of disposal by burning. The provisions in the bill for flag disposal and ceremonial considerations are also flexible, by stating a state flag “may be destroyed, preferably by burning, in a ceremony... that may be a public ceremony.”

The U.S. Flag Code (Title 4, Chapter 1) provides guidelines on the disposal of U.S. flags if worn, torn, or no longer suitable for display. Generally, states follow those guidelines. For New Mexico flags flown on state property that are no longer serviceable, GSD reported it transfers those flags to the Department of Veterans Services for disposal consistent with the U.S. Flag Code.

Damaged flags can be repaired and used as long as the overall dimensions are not altered.

OTHER SUBSTANTIVE ISSUES

DMA noted the Veterans of Foreign Wars (VFW), and American Legion posts also accept State Flags for disposal.

The VFW website offers guidelines for a flag disposal ceremony.

1. The flag should be folded in its customary manner.
2. It is important that the fire be fairly large and of sufficient intensity to ensure complete burning of the flag.
3. Place the flag on the fire.
4. The individual(s) can come to attention, salute the flag, recite the Pledge of Allegiance and have a brief period of silent reflection.
5. After the flag is completely consumed, the fire should then be safely extinguished and the ashes buried.

OTHER SUBSTANTIVE ISSUES

Youth scouting groups have been known to conduct flag retirement ceremonies.

AHO/hj/SL2