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HOUSE OF REPRESENTATIVES

I certify that the attached is a true and
correct copy of hb 1463 which
was filed of record on 3-4-93
and referred to the committee on:

International & Cultural
Relations

Betty W. ...
Chief Clerk of the House

MAR 14 1993

H. No. 1463

By *[Signature]*

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the description and use of the state flag, the
3 governor's flag, and the state seal and to the adoption and
4 rendition of the state song.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Title 106, Revised Statutes, is amended by adding
7 Article 6139a to read as follows:

8 Art. 6139a. DESCRIPTION OF THE STATE FLAG. (a) The state
9 flag is the 1839 national flag of the Republic of Texas.

10 (b) The state flag consists of a rectangle with a width to
11 length ratio of two to three containing:

12 (1) a blue vertical stripe one-third the entire length
13 of the flag wide, and two equal horizontal stripes, the upper
14 stripe white, the lower red, each two-thirds the entire length of
15 the flag long; and

16 (2) a white, regular five-pointed star in the center
17 of the blue stripe, oriented so that one point faces upward, and of
18 such a size that the diameter of a circle passing through the five
19 points of the star is equal to three-fourths the width of the blue
20 stripe.

21 (c) The red, white, and blue of the state flag stand,
22 respectively, for bravery, purity, and loyalty.

23 (d) The red and blue colors of the state flag are the same
24 colors used in the United States flag and are defined as numbers

1 80108 (red) and 80075 (dark blue) of The Standard Color Reference
2 of America, 10th edition.

3 (e) When displayed permanently mounted on a staff, as for
4 indoor or parade use, the state flag may be decorated with gold
5 fringe and its staff with gold cords and tassels.

6 (f) When the state flag is displayed on a staff, the staff
7 should be at least 2-1/2 times as long as the flag's hoist, and the
8 state flag should be attached to the staff's peak. The staff's
9 finial should be either a lone star or a spearhead.

10 (g) The governor may prescribe additional rules with respect
11 to the description of the state flag. The governor shall set forth
12 any alterations or additional rules in an executive order published
13 in the Texas Register.

14 SECTION 2. Title 106, Revised Statutes, is amended by adding
15 Article 6139b to read as follows:

16 Art. 6139b. PLEDGE OF ALLEGIANCE TO THE STATE FLAG. (a)
17 The pledge of allegiance to the state flag is, "Honor the Texas
18 flag; I pledge allegiance to thee, Texas, one and indivisible."

19 (b) The pledge of allegiance to the state flag should be
20 rendered by all present except those in uniform by standing at
21 attention facing the flag with the right hand over the heart. Men,
22 but not women, who are not in uniform should remove their headdress
23 with their right hand and hold it at the left shoulder, with the
24 hand over the heart. Individuals in uniform should remain silent,
25 face the flag, and render the military salute.

26 (c) The pledge of allegiance to the state flag may be
27 recited at all public and private meetings at which the pledge of

1 allegiance to the United States flag is recited and at state
2 historical events and celebrations.

3 (d) The pledge of allegiance to the state flag should be
4 recited after the pledge of allegiance to the United States flag if
5 both are recited.

6 SECTION 3. Title 106, Revised Statutes, is amended by adding
7 Article 6139c to read as follows:

8 Art. 6139c. TEXAS FLAG CODE

9 Sec. 1. This article may be cited as the Texas Flag Code.

10 Sec. 2. The rules set out by Section 3 of this article
11 govern the use of the state flag in this state.

12 Sec. 3. (a) The state flag should not be displayed outdoors
13 earlier than sunrise or later than sunset. However, when a
14 patriotic effect is desired, the state flag may be displayed 24
15 hours a day if properly illuminated during the hours of darkness or
16 may be displayed under the same circumstances as the United States
17 flag may be displayed.

18 (b) The state flag should be hoisted briskly and lowered
19 ceremoniously.

20 (c) The state flag should not be displayed on days when the
21 weather is inclement unless a weatherproof flag is displayed.

22 (d) The state flag should be displayed on all state holidays
23 and on special occasions of historical significance. Texas Flag
24 Day shall be celebrated on March 2, Texas Independence Day.

25 (e) The state flag should be displayed daily on or near the
26 main administration building of every state institution.

27 (f) The state flag, when carried in a procession with

1 another flag or flags except the United States flag, should be
2 either on the marching right, that is, the state flag's right, or,
3 if there is a line of other flags, in front of the center of that
4 line. When the state flag is carried in a procession in which the
5 United States flag is carried, the United States flag should be on
6 the marching right, that is, the United States flag's right, and
7 the state flag should be on the United States flag's left.

8 (g) The state flag should not be displayed on a float in a
9 parade except from a staff or as provided in Subsection (o) of this
10 section.

11 (h) The state flag should not be draped over the hood, top,
12 side, or back of any vehicle, railroad train, boat, or aircraft.
13 When the state flag is displayed on a motor vehicle, the staff
14 should be fixed firmly to the chassis or clamped to the right
15 fender. If the United States flag is also displayed, its staff
16 should be clamped to the right fender, and the state flag's staff
17 should be clamped to the left fender.

18 (i) No flag or pennant other than the United States flag
19 should be placed above or, if on the same level, to the state
20 flag's right, that is, the observer's left. When the state and
21 United States flags are displayed at the same time, they should be
22 flown on flagpoles of the same height, and the flags should be of
23 approximately equal size. The United States flag should be
24 displayed to the United States flag's right, that is, the
25 observer's left. However, when it is necessary for the state and
26 United States flags to be flown from the same flagpole, the state
27 flag should be displayed underneath the United States flag. When

1 the state flag is displayed on a separate flagpole from the United
2 States flag, the state flag should be hoisted after the United
3 States flag is hoisted and lowered before the United States flag is
4 lowered.

5 (j) When the state flag is displayed with another flag,
6 other than the United States flag, against a wall from crossed
7 staffs, the state flag should be on the state flag's right, that
8 is, the observer's left, and its staff should be in front of the
9 staff of the other flag. When the state and United States flags
10 are displayed against a wall from crossed staffs, the state flag
11 should be on the United States flag's left, that is, the observer's
12 right, and behind the staff of the United States flag.

13 (k) The state flag should be at the center and at the
14 highest point of a group when a number of flags of cities or
15 localities or pennants of societies are grouped and displayed from
16 staffs.

17 (l) When flags of cities or localities or pennants of
18 societies are flown on the same halyard with the state flag, the
19 latter should always be at the peak. When the flags are flown from
20 adjacent staffs, the state flag should be hoisted first and lowered
21 last. Those flags or pennants may not be placed above the state
22 flag or to the state flag's right, that is, the observer's left.

23 (m) When the state flag is displayed with the flags of other
24 states of the United States, nations other than the United States,
25 and international organizations, the state flag should be displayed
26 on the state flag's right, that is, the observer's left, on a
27 separate flagpole or staff. This subsection does not apply to the

1 United States or any agency of the United States, including the
2 armed services, when federal law, custom, or practice dictates
3 otherwise. The state flag should not be displayed above the flags
4 of other states of the United States, nations, and international
5 organizations on the same flagpole, and the state flag should not
6 be displayed from a higher flagpole or staff.

7 (n) When the state flag is displayed from a staff projecting
8 horizontally or at an angle from a windowsill, balcony, or front of
9 a building, the top of the flag should be placed at the peak of the
10 staff unless the flag is at half-staff. When the state flag is
11 suspended over a sidewalk from a rope extending from a house to a
12 pole at the edge of the sidewalk, the flag should be hoisted out,
13 white stripe first, from the building.

14 (o) When the state flag is displayed horizontally against a
15 wall, the white stripe should be uppermost and to the state flag's
16 right, that is, to the observer's left. When the state flag is
17 displayed vertically against a wall, the blue stripe should be
18 uppermost and the white stripe should be to the state flag's right,
19 that is, to the observer's left. When displayed in a window, the
20 state flag should be displayed in the same way, with the blue
21 stripe to the left of the observer outside the window.

22 (p) When the state flag is displayed over the middle of a
23 street, it should be suspended vertically with the blue stripe
24 uppermost and the white stripe to the north in an east and west
25 street, or with the white stripe to the east in a north and south
26 street.

27 (q) When used on a speaker's platform, the state flag, if

1 displayed flat, should be displayed above and behind the speaker.
2 If both the state and United States flags are displayed on a
3 speaker's platform at the same time, the state flag should be on
4 the state flag's left, that is, the observer's right, while the
5 United States flag should be on the United States flag's right,
6 that is, the observer's left.

7 (r) The state flag should form a distinctive feature of the
8 ceremony of unveiling a statue or monument, but it should never be
9 used as the covering for the statue or monument.

10 (s) The state flag, when flown at half-staff, should be
11 first hoisted to the peak of the flagpole for an instant and then
12 lowered to the half-staff position. The state flag should be again
13 raised to the peak before it is lowered for the day. On Memorial
14 Day the state flag should be displayed at half-staff until noon
15 only, then raised to the peak of the flagpole. By order of the
16 governor, the state flag shall be flown at half-staff on the death
17 of an individual as a mark of respect to the individual's memory.

18 (t) When the state flag is used to cover a casket, it should
19 be so placed that the blue stripe is at the head and the white
20 stripe is over the left shoulder, that is, the observer's right.
21 The state flag should not be lowered into the grave or allowed to
22 touch the ground.

23 (u) When the state flag is suspended across a corridor or
24 lobby in a building with only one main entrance, it should be
25 suspended vertically with the white stripe of the flag to the
26 observer's left on entering. If the building has more than one
27 main entrance, the state flag should be suspended vertically near

1 the center of the corridor or lobby with the white stripe to the
2 north, when entrances are to the east and west, or to the east,
3 when entrances are to the north and south. If there are entrances
4 in more than two directions, the white stripe should be to the
5 east.

6 (v) The state flag should not be dipped to any person or
7 thing except as a mark of honor for the United States flag.

8 (w) When the state flag is displayed from a flagpole or
9 staff, the white stripe should always be at the top of the flag,
10 except as a signal of dire distress in instances of extreme danger
11 to life or property.

12 (x) The state flag should not touch anything beneath it,
13 such as the ground or the floor, and should not trail in water.

14 (y) The state flag should, when practicable, not be carried
15 flat or horizontally, but aloft and free.

16 (z) The state flag should not be used as bedding or drapery.
17 It should not be festooned, drawn back, or up, in folds, but always
18 allowed to fall free. Bunting of blue, white, and red, always
19 arranged with the blue above, the white in the middle, and the red
20 below, should be used instead of the state flag for covering a
21 speaker's desk, for draping the front of a platform, and for
22 decoration in general.

23 (aa) The state flag should not be fastened, displayed, used,
24 or stored in a manner that it can be easily torn, soiled, or
25 damaged in any way.

26 (bb) The state flag should not be used as a covering for a
27 ceiling.

1 (cc) The state flag should not have placed on any part of
2 it, or attached to it, any mark, insignia, letter, word, figure,
3 design, picture, or drawing of any nature.

4 (dd) The state flag should not be used as a receptacle for
5 receiving, holding, carrying, or delivering anything.

6 (ee) Advertising signs should not be fastened to a staff or
7 halyard from which the state flag is flown.

8 (ff) The state flag, when it is in such a condition that it
9 is no longer a fitting emblem for display, should be destroyed in a
10 dignified way, preferably by burning.

11 (gg) During the ceremony of hoisting or lowering the state
12 flag or when the state flag is passing in a parade or in review,
13 all individuals present except those in uniform should face the
14 state flag and stand at attention with the right hand over the
15 heart. Those present in uniform should render the military salute.
16 When not in uniform, men, but not women, should remove their
17 headdress with their right hand and hold it at the left shoulder,
18 the hand being over the heart. Individuals who are not citizens of
19 this state should stand at attention. The salute to the state flag
20 in a moving column should be rendered at the moment the state flag
21 passes.

22 Sec. 4. The governor may alter, modify, or repeal any rule
23 relating to the display of the state flag set forth in Section 3 or
24 may prescribe additional rules with respect to the display of the
25 state flag. The governor shall set forth any alterations or
26 additional rules in an executive order published in the Texas
27 Register.

1 Sec. 5. (a) A governmental subdivision or agency may not
2 enact or enforce a law that prohibits:

3 (1) the display of a municipal flag, the state flag,
4 the flag of another state of the United States, the United States
5 flag, or the flag of a nation other than the United States; or

6 (2) any conduct covered by this article.

7 (b) This section does not apply to an action by a
8 governmental subdivision or agency to enact or enforce a law
9 established to protect the public health and safety.

10 SECTION 4. Title 106, Revised Statutes, is amended by adding
11 Article 6139d to read as follows:

12 Art. 6139d. FLAG OF THE GOVERNOR. The governor may adopt a
13 flag for the governor's official use. The governor shall set forth
14 the description of the flag in an executive order published in the
15 Texas Register.

16 SECTION 5. Title 106, Revised Statutes, is amended by adding
17 Article 6139e to read as follows:

18 Art. 6139e. STATE SONG. (a) The state song is "Texas, Our
19 Texas" by William J. Marsh and Gladys Yoakum Wright:

20 Texas, our Texas! All hail the mighty State!

21 Texas, our Texas! So wonderful so great!

22 Boldest and grandest, Withstanding ev'ry test;

23 O Empire wide and glorious, You stand supremely blest.

24 Refrain

25 God bless you Texas! And keep you brave and strong,

26 That you may grow in power and worth, Thro'out the

27 ages long.

1 Texas, O Texas! Your freeborn single star,
2 Sends out its radiance to nations near and far.
3 Emblem of freedom! It sets our hearts aglow,
4 With thoughts of San Jacinto and glorious Alamo.

5 Refrain

6 Texas, dear Texas! From tyrant grip now free,
7 Shines forth in splendor your star of destiny!
8 Mother of heroes! We come your children true,
9 Proclaiming our allegiance, our faith, our love for you.

10 Refrain

11 (b) During the rendition of the state song when the state
12 flag is displayed, all individuals present except those in uniform
13 should stand at attention facing the state flag with the right hand
14 over the heart. Those present in uniform should render the
15 military salute at the first note of the state song and retain this
16 position until the last note. When not in uniform, men, but not
17 women, should remove their headdress with their right hand and hold
18 it at the left shoulder, with the hand over the heart. Individuals
19 who are not citizens of this state should stand at attention.

20 (c) When the state flag is not displayed, those present
21 should face toward the music and act in the same manner as they
22 would if the state flag were displayed there.

23 (d) The state song should be rendered after the national
24 anthem if both are rendered.

25 SECTION 6. Title 106, Revised Statutes, is amended by adding
26 Article 6139f to read as follows:

27 Art. 6139f. STATE SEAL; STATE ARMS. (a) The state seal is

1 as provided by Article IV, Section 19, of the Texas Constitution.

2 (b) The reverse of the state seal contains a shield,
3 consisting of a depiction of the Alamo, the cannon of the Battle of
4 Gonzales, and Vince's Bridge. The shield is encircled by live oak
5 and olive branches, and the unfurled flags of the Kingdom of
6 France, the Kingdom of Spain, the United Mexican States, the
7 Republic of Texas, the Confederate States of America, and the
8 United States of America. Above the shield is emblazoned the
9 motto, "REMEMBER THE ALAMO," and beneath it are the words, "TEXAS
10 ONE AND INDIVISIBLE," with a white five-pointed star hanging over
11 the shield, centered between the flags.

12 (c) The state arms are a white star of five points, on an
13 azure ground, encircled by olive and live oak branches.

14 (d) The secretary of state, by rule, shall adopt standard
15 designs for the state seal, the reverse of the state seal, and the
16 state arms.

17 SECTION 7. Section 2.02, Education Code, is amended to read
18 as follows:

19 Sec. 2.02. THE FLYING OF THE STATE FLAG. On all regular
20 school days, every school and other educational institution covered
21 by this code shall fly the state [Texas] flag in accordance with
22 the Texas Flag Code, Article 6139c, Revised Statutes [general-rules
23 governing-its-use].

24 SECTION 8. Section 17.08, Business & Commerce Code, is
25 amended to read as follows:

26 Sec. 17.08. PRIVATE USE OF STATE [GREAT] SEAL [OF-TEXAS].

27 (a) In this section:

1 (1) "Commercial purpose" means a purpose that is
2 intended to result in a profit or other tangible benefit but does
3 not include:

4 (A) [an] official use of the state seal or a
5 representation of the state seal in a state function;

6 (B) [or-the] use of the state seal [Great--Seal
7 of--Texas] or a representation of the state seal [Great-Seal-of
8 Texas] for a political purpose by an elected official of this
9 state;

10 (C) use of the state seal or a representation of
11 the state seal in an encyclopedia, dictionary, book, journal,
12 pamphlet, periodical, magazine, or newspaper incident to a
13 description or history of seals, coats of arms, heraldry, or this
14 state;

15 (D) use of the state seal or a representation of
16 the state seal in a library, museum, or educational facility
17 incident to descriptions or exhibits relating to seals, coats of
18 arms, heraldry, or this state;

19 (E) use of the state seal or a representation of
20 the state seal in a theatrical, motion-picture, television, or
21 similar production for a historical, educational, or newsworthy
22 purpose; or

23 (F) use of the state seal or a representation of
24 the state seal for another historical, educational, or newsworthy
25 purpose if authorized in writing by the secretary of state.

26 (2) "Representation of the state seal [Great-Seal-of
27 Texas]" includes a nonexact representation that the secretary of

1 state determines is deceptively similar to the state seal. [~~Great~~
2 ~~Seal-of-Texas~~;

3 (3) "Official use" means the use of the state seal
4 [~~Great--Seal--of--Texas~~] by an officer or employee of this state in
5 performing a state function. [7]

6 (4) "State function" means a state governmental
7 activity authorized or required by law.

8 (5) "State seal" means the state seal, the reverse of
9 the state seal, and the state arms as defined by Article 6139f,
10 Revised Statutes.

11 (b) Except as otherwise provided by this section, a person
12 may not use a representation of the state seal [~~Great--Seal--of~~
13 ~~Texas~~]:

14 (1) to advertise or publicize tangible personal
15 property or a commercial undertaking; or

16 (2) for another commercial purpose.

17 (c) A person may use a representation of the state seal
18 [~~Great--Seal--of--Texas~~] for a commercial purpose if the person
19 obtains a license from the secretary of state for that use. The
20 secretary of state, under the authority vested in the secretary as
21 custodian of the seal under Article IV, Section 19, of the Texas
22 Constitution, shall issue a license to a person who applies for a
23 license on a form provided by the secretary of state and who pays
24 the fees required under this section if the secretary of state
25 determines that the use is in the best interests of the state and
26 not detrimental to the image of the state. A license issued under
27 this section expires one year after the date of issuance [~~and--may~~

1 be-renewed].

2 (d) The secretary of state shall adopt rules relating to the
3 use of the state seal [~~Great-Seal-of-Texas~~] by a person licensed
4 under this section. The secretary of state shall adopt the rules
5 in the manner provided by the Administrative Procedure and Texas
6 Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

7 (e) The application fee for a license under this section is
8 \$35. The license fee for an original or renewal license is \$250.
9 In addition to those fees, each licensee shall pay an amount equal
10 to three percent of the licensee's annual gross receipts related to
11 the licensed use in excess of \$5,000 to the state as a royalty fee.

12 (f) A person licensed under this section shall maintain
13 records relating to the licensee's use of the state seal [~~Great~~
14 ~~Seal-of-Texas~~] in the manner required by the rules of the secretary
15 of state. [~~The-secretary-of-state-may-examine-the-records-during~~
16 ~~reasonable-business-hours-to-determine--the--licensee's--compliance~~
17 ~~with--this--section.~~] Each licensee shall display the license in a
18 conspicuous manner in the licensee's office or place of business.

19 (g) The secretary of state may suspend or revoke a license
20 issued under this section for failure to comply with this section
21 or the rules adopted under this section. The secretary of state
22 may bring a civil action to enjoin a violation of this section or
23 the rules adopted under this section.

24 (h) A person who reproduces an official document bearing the
25 state seal [~~Great-Seal-of-Texas~~] does not violate Subsection (b) of
26 this section if the document is:

27 (1) reproduced in complete form; and

1 (2) used for a purpose related to the purpose for
2 which the document was issued by the state.

3 (i) A person who violates a provision of Subsection (b) of
4 this section commits an offense. An offense under this section is
5 a Class C misdemeanor.

6 (j) A person who violates Subsection (b) of this section
7 commits a separate offense each day that the person violates a
8 provision of that subsection.

9 SECTION 9. Sections 9A(a) and (b), State Aircraft Pooling
10 Act (Article 4413(34b), Vernon's Texas Civil Statutes), are amended
11 to read as follows:

12 (a) Except as provided by Subsection (c) of this section,
13 all aircraft owned or leased by the state shall be marked:

14 (1) with the [~~Texas~~] state seal on each side of the
15 aircraft's vertical stabilizer; and

16 (2) with the words "The State of Texas" on each side
17 of the aircraft's fuselage.

18 (b) The board shall, consistent with federal regulations and
19 Article 6139f, Revised Statutes, and its subsequent amendments,
20 adopt rules governing the color, size, and location of marks of
21 identification required by this section.

22 SECTION 10. Section 30, The Securities Act (Article 581-30,
23 Vernon's Texas Civil Statutes), is amended to read as follows:

24 Sec. 30. CERTIFIED COPIES OF PAPERS FILED WITH COMMISSIONER
25 AS EVIDENCE. Copies of all papers, instruments, or documents filed
26 in the office of the Commissioner, certified by the Commissioner,
27 shall be admitted to be read in evidence in all courts of law and

1 elsewhere in this state in all cases where the original would be
2 admitted in evidence; provided, that in any proceeding in the court
3 having jurisdiction, the court may, on cause shown, require the
4 production of the originals.

5 The Commissioner shall assume custody of all records of the
6 Securities Divisions within the offices of the Secretary of State
7 and of the Board of Insurance Commissioners, and henceforth these
8 prior records shall be proven under certificate of the
9 Commissioner.

10 In any prosecution, action, suit or proceeding before any of
11 the several courts of this state based upon or arising out of or
12 under the provisions of this Act, a certificate under the state
13 seal [~~of-the-state~~], duly signed by the Commissioner, showing
14 compliance or non-compliance with the provisions of this Act
15 respecting compliance or non-compliance with the provisions of this
16 Act by any dealer or salesman, shall constitute prima facie
17 evidence of such compliance or of such non-compliance with the
18 provisions of this Act, as the case may be, and shall be admissible
19 in evidence in any action at law or in equity to enforce the
20 provisions of this Act.

21 SECTION 11. Section 3, Texas Uniform Facsimile Signature of
22 Public Officials Act (Article 717j-1, Vernon's Texas Civil
23 Statutes), is amended to read as follows:

24 Sec. 3. FACSIMILE SEAL. When the state seal [~~of-this~~
25 state], the seal of the state's [~~its~~] political subdivisions, or
26 the seal of any department, agency, or other instrumentality of
27 this state or its political subdivisions is required in the

1 execution, authentication, certification, or endorsement of a
2 public security, eligible contract, instrument of payment or
3 certificate of assessment, the authorized officer may cause the
4 seal to be printed, engraved, lithographed, stamped, or otherwise
5 placed in facsimile thereon. The facsimile seal has the same legal
6 effect as the impression of the seal.

7 SECTION 12. Section 4.058, Public Facility Corporation Act
8 (Article 717s, Revised Statutes), is amended to read as follows:

9 Sec. 4.058. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
10 following documents shall be received by a court, public office, or
11 official body as prima facie evidence of the facts, or the
12 existence or nonexistence of the facts, stated in the document:

13 (1) a certificate issued by the secretary of state
14 under this article;

15 (2) a copy, certified by the secretary of state, of a
16 document filed in the office of the secretary of state under this
17 article; and

18 (3) a certificate of the secretary of state under the
19 state seal [~~Great--Seal--of--Texas~~] as to the existence or
20 nonexistence of a fact relating to a corporation that would not
21 appear from a document or certificate under Subdivision (1) or (2)
22 of this section.

23 SECTION 13. Section 9.06, Texas Non-Profit Corporation Act
24 (Article 1396-9.06, Vernon's Texas Civil Statutes), is amended to
25 read as follows:

26 Sec. 9.06. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED
27 IN EVIDENCE. A. All certificates issued by the Secretary of State

1 in accordance with the provisions of this Act, and all copies of
2 documents filed in his office, in accordance with the provisions of
3 this Act when certified by him, shall be taken and received in all
4 courts, public offices, and official bodies as prima facie evidence
5 of the facts therein stated and may be officially recorded. A
6 certificate by the Secretary of State under the state [~~great~~] seal
7 [~~of-this-State~~], as to the existence or non-existence of the facts
8 relating to corporations which would not appear from a certified
9 copy of any of the foregoing documents or certificates shall be
10 taken and received in all courts, public offices, and official
11 bodies as prima facie evidence of the existence or non-existence of
12 the facts therein stated.

13 SECTION 14. Section 8, Electric Cooperative Corporation Act
14 (Article 1528b, Vernon's Texas Civil Statutes), is amended to read
15 as follows:

16 Sec. 8. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
17 INCORPORATION. When the incorporators of any corporation shall
18 furnish satisfactory evidence to the Secretary of State of a
19 compliance with the provisions of this Act, said officer shall
20 receive, file, and record the articles of incorporation of such
21 corporation in his office, upon application and payment of all fees
22 therefor, and give a certificate showing the recording of such
23 articles and authority to do business thereunder. The articles
24 shall thereupon be filed in the office of the Secretary of State,
25 who shall record same at length in a book to be kept for that
26 purpose, and retain the original on file in his office. A copy of
27 the articles, or of the record thereof, certified under the state

1 seal [~~Great--Seal-of-the-State~~], shall be evidence of the creation
2 of the corporation. The existence of the corporation shall date
3 from the filing of the articles in the office of the Secretary of
4 State. The certificate of the Secretary of State shall be evidence
5 of such filing.

6 SECTION 15. Section 7, Telephone Cooperative Act (Article
7 1528c, Vernon's Texas Civil Statutes), is amended to read as
8 follows:

9 Sec. 7. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
10 INCORPORATION. When the incorporators of any corporation shall
11 furnish satisfactory evidence to the Secretary of State of a
12 compliance with the provisions of this Act, said officer shall
13 receive, file, and record the articles of incorporation of such
14 corporation in his office, upon application and payment of all fees
15 therefor, and give a certificate showing the recording of such
16 articles and authority to do business thereunder. The articles
17 shall thereupon be filed in the office of the Secretary of State,
18 who shall record same at length in a book to be kept for that
19 purpose, and retain the original on file in his office. A copy of
20 the articles, or of the record thereof, certified under the state
21 seal [~~Great--Seal-of-the-State~~], shall be evidence of the creation
22 of the corporation. The existence of the corporation shall date
23 from the filing of the articles in the office of the Secretary of
24 State. The certificate of the Secretary of State shall be evidence
25 of such filing.

26 SECTION 16. Section 1, Chapter 65, Acts of the 43rd
27 Legislature, 2nd Called Session, 1934 (Article 2606a, Vernon's

1 Texas Civil Statutes), is amended to read as follows:

2 Sec. 1. The Governor of the State of Texas is hereby
3 authorized to have printed manuscript bonds of the State of Texas
4 in convenient denominations to be determined by him for the purpose
5 of refunding the principal of the bonds hereinafter mentioned.
6 Said bonds shall be designated "State of Texas Refunding Bonds,
7 Issue of 1934." Said bonds shall be numbered and dated as
8 hereinafter indicated and shall bear the rate of interest
9 hereinafter fixed, and shall become due and payable on the dates
10 hereinafter shown. Interest paying dates on the various bonds
11 authorized herein shall be fixed as hereinafter indicated. The
12 form of such bonds shall be prepared by the Attorney General. Each
13 of them shall be signed by the Governor and the Treasurer of the
14 State of Texas and countersigned and registered by the Comptroller,
15 and shall have the state seal [~~of Texas~~] affixed thereto.

16 SECTION 17. Article 4012, Revised Statutes, is amended to
17 read as follows:

18 Art. 4012. EVIDENCE OF AUTHORITY. Any veteran of any of the
19 wars mentioned in this title, their wives, widows or members of
20 their families, and any minister of religion, or any fireman,
21 sister of charity or member of any religious society of like
22 character, who desires to receive the benefits of free or reduced
23 transportation as mentioned in this title shall present to the
24 president, manager, officer, or person authorized to issue such
25 transportation satisfactory evidence that he or she is entitled
26 thereto, as herein provided. The officers entitled to the benefits
27 of this law shall, when presenting themselves to the agent of any

1 such railway or interurban railway company for the purchase of a
2 ticket or to pay his fare, exhibit to such agent in case of the
3 Adjutant General and State Rangers a certificate of the Secretary
4 of State under the state seal, in case of sheriffs and constables
5 and their deputies a certificate under seal of the county judge of
6 the county where they hold office and in case of officers of a city
7 or town a certificate under seal of the mayor of such city or town
8 stating that such person is entitled to the reduced fare herein
9 provided for. Sheriffs and constables shall designate in writing
10 the two deputies entitled to the reduced rates herein provided for.
11 If the sheriff or constable has designated two deputies who are
12 entitled to such reduced rates, then no deputy of such sheriff or
13 constable shall be entitled to free transportation under the
14 provisions of the pass laws of this State.

15 SECTION 18. Section 5, Chapter 94, Acts of the 51st
16 Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas
17 Civil Statutes), is amended to read as follows:

18 Sec. 5. The Board shall preserve a record of its proceedings
19 in a book kept for that purpose, showing name, age, place, and
20 duration of residence of each applicant, the time spent in the
21 study of chiropractic in respective chiropractic schools, together
22 with such other information as the Board may desire to record.
23 Said register shall also show whether applicants were rejected or
24 licensed and shall be prima-facie evidence of all matters contained
25 therein. The secretary of the Board shall on May 1st of each year
26 transmit an official copy of said register to the Secretary of
27 State for permanent record, a certified copy of which, with hand

1 and seal of the secretary of said Board or the hand of the
2 Secretary of State under the state seal, shall be admitted in
3 evidence in all courts.

4 SECTION 19. Subdivision (2), Subsection E, Section 2,
5 Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953
6 (Article 4582b, Vernon's Texas Civil Statutes), is amended to read
7 as follows:

8 (2) The commission shall file annually with the
9 Governor a list of the names of all duly licensed funeral
10 directors, embalmers, and funeral establishments. A copy shall be
11 filed with the Secretary of State for permanent record, a certified
12 copy of which, under the hand [~~and seal~~] of the Secretary of State
13 and the state seal, shall be admissible as evidence in all courts.

14 SECTION 20. Section 5, Chapter 104, Acts of the 48th
15 Legislature, Regular Session, 1943 (Article 5154a, Vernon's Texas
16 Civil Statutes), is amended to read as follows:

17 Sec. 5. ORGANIZERS. All labor union organizers operating in
18 the State of Texas shall be required to file with the Secretary of
19 State, before soliciting any members for his organization, a
20 written request by United States mail, or shall apply in person for
21 an organizer's card, stating (a) his name in full; (b) his labor
22 union affiliations, if any; (c) describing his credentials and
23 attaching thereto a copy thereof, which application shall be signed
24 by him. Upon such applications being filed, the Secretary of State
25 shall issue to the applicant a card on which shall appear the
26 following: (1) the applicant's name; (2) his union affiliation;
27 (3) a space for his personal signature; (4) a designation, "labor

1 organizer"; and, (5) the signature of the Secretary of State, dated
2 and attested by the state [~~his~~] seal [~~of-office~~]. Such organizer
3 shall at all times, when soliciting members, carry such card, and
4 shall exhibit the same when requested to do so by a person being so
5 solicited for membership.

6 SECTION 21. Section 7(a), Chapter 111, Acts of the 61st
7 Legislature, Regular Session, 1969 (Article 6144h, Vernon's Texas
8 Civil Statutes), is amended to read as follows:

9 (a) The decoration shall display the state seal [~~Great-Seal~~
10 ~~of-the-State-of-Texas~~] with the words "Distinguished Service Medal"
11 engraved in a circle thereon, and shall be suspended from a bar of
12 red, white, and blue.

13 SECTION 22. Article 6265, Revised Statutes, is amended to
14 read as follows:

15 Art. 6265. BEGINNING OF EXISTENCE. The existence of such
16 corporation shall date from the filing of the articles of
17 incorporation in the office of the Secretary of State, and the
18 certificate of the Secretary of State under the state seal [~~of-the~~
19 ~~State~~], shall be evidence of such filing.

20 SECTION 23. Article 6528, Revised Statutes, is amended to
21 read as follows:

22 Art. 6528. REGISTERING BONDS. When such bonds shall be
23 presented to the Secretary of State with said direction to
24 register, he shall register said bonds by entering a description
25 thereof in a book to be kept for that purpose, which shall show the
26 date, number, amount, when due, the rate of interest on each bond,
27 and also the date when the same is registered. The Secretary of

1 State shall indorse on each bond, under the state seal [~~of-his~~
2 ~~office~~] and his official signature, together with the date thereof,
3 as follows: "This bond is registered under the direction of the
4 Railroad Commission of Texas." Provided, however, that at the
5 direction of the Secretary of State the state [~~his-said~~] seal may
6 be a facsimile seal in lieu of the [~~his~~] manually impressed state
7 seal and his said signature may be his facsimile signature in lieu
8 of his manual signature. No bond or other evidence of debt,
9 hereafter issued by or under the authority of any person, firm,
10 corporation, court, or railroad company, whereby a lien is created
11 on its franchise or property situated in this State, shall be valid
12 or have any force until the same has been registered as required
13 herein.

14 SECTION 24. Section 201.048(d), Agriculture Code, is amended
15 to read as follows:

16 (d) The secretary of state shall make and issue to the
17 directors a certificate, under the state seal [~~of-this--state~~], of
18 the due organization of the conservation district. The secretary
19 shall record the certificate with the application and statement.

20 SECTION 25. Article 9.05, Texas Business Corporation Act, is
21 amended to read as follows:

22 Art. 9.05. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED
23 IN EVIDENCE. A. All certificates issued by the Secretary of State
24 in accordance with the provisions of this Act, and all copies of
25 documents filed in his office in accordance with the provisions of
26 this Act, when certified by him, shall be taken and received in all
27 courts, public offices, and official bodies as prima facie evidence

1 of the facts therein stated, and shall be subject to recordation.
2 A certificate by the Secretary of State, under the state [great]
3 seal [~~of--this-State~~], as to the existence or non-existence of the
4 facts relating to corporations which would not appear from a
5 certified copy of any of the foregoing documents or certificates
6 shall be taken and received in all courts, public offices, and
7 official bodies as prima facie evidence of the existence or
8 non-existence of the facts therein stated.

9 SECTION 26. Article 48.03, Code of Criminal Procedure, is
10 amended to read as follows:

11 Art. 48.03. GOVERNOR'S ACTS UNDER SEAL. All remissions of
12 fines and forfeitures, and all reprieves, commutations of
13 punishment and pardons, shall be signed by the Governor, and
14 certified by the Secretary of State, under the state [great] seal
15 [~~of--State~~], and shall be forthwith obeyed by any officer to whom
16 the same may be presented.

17 SECTION 27. Section 22, Article 51.13, Code of Criminal
18 Procedure, is amended to read as follows:

19 Sec. 22. FUGITIVES FROM THIS STATE; DUTY OF GOVERNOR.
20 Whenever the Governor of this State shall demand a person charged
21 with crime or with escaping from confinement or breaking the terms
22 of his bail, probation or parole in this State, from the Executive
23 Authority of any other State, or from the Chief Justice or an
24 Associate Justice of the Supreme Court of the District of Columbia
25 authorized to receive such demand under the laws of the United
26 States, he shall issue a warrant under the state seal [~~of--this~~
27 ~~State~~], to some agent, commanding him to receive the person so

1 charged if delivered to him and convey him to the proper officer of
2 the county in this State in which the offense was committed, or in
3 which the prosecution for such offense is then pending.

4 SECTION 28. Section 52.11(h), Education Code, is amended to
5 read as follows:

6 (h) The bonds shall be executed on behalf of the
7 coordinating board, or its successor, as general obligations of the
8 State of Texas in the following manner: They shall be signed by
9 the chairman or vice chairman and the secretary of the board, and
10 the seal of the board shall be impressed on them. They shall be
11 signed by the governor and attested by the secretary of state and
12 the state seal [~~of-the-state~~] impressed on them. The resolution
13 authorizing the issuance of any installment or series of bonds may
14 prescribe the extent to which facsimile signatures and facsimile
15 seals may be used in executing the bonds and appurtenant coupons.
16 Interest coupons may be signed with the facsimile signatures of the
17 chairman or vice chairman and the secretary of the board. In the
18 event any officer whose manual or facsimile signature appears on
19 any bond or coupon ceases to hold that office before the delivery
20 of the bond or coupon, the signature will nevertheless be valid and
21 sufficient for all purposes as if he had remained in office until
22 the delivery had been made.

23 SECTION 29. Section 88.204, Education Code, is amended to
24 read as follows:

25 Sec. 88.204. SALE OF STATIONS. If property used in the
26 operation of a station is sold, the title to the property shall not
27 pass from this state until a deed of conveyance is made to the

1 purchaser, duly signed by the governor and attested by the
2 secretary of state under the state [~~his-official~~] seal. All funds
3 received from the sale of station lands or property shall be
4 deposited in the state treasury and shall be paid out in accordance
5 with the provisions of this subchapter.

6 SECTION 30. Section 255.006(c), Election Code, is amended to
7 read as follows:

8 (c) A person other than an officeholder commits an offense
9 if the person knowingly uses a representation of the state seal
10 [~~Great-Seal-of-Texas~~] in political advertising.

11 SECTION 31. Section 441.059(a), Government Code, is amended
12 to read as follows:

13 (a) The records preservation officer shall prescribe the
14 place and manner of safekeeping of essential records or
15 preservation duplicates and shall establish storage facilities for
16 the records and duplicates. At least one copy of each essential
17 record and a duplicate state seal [~~of-the-state~~] shall be stored in
18 the safest possible location in facilities constructed to withstand
19 blast, fire, water, and other destructive forces. The facilities
20 must be in a place other than the legally designated or customary
21 storage location for the records or duplicates. The records
22 preservation officer shall properly maintain essential records and
23 preservation duplicates that the records preservation officer
24 stores.

25 SECTION 32. Section 465.025(d), Government Code, is amended
26 to read as follows:

27 (d) The bonds may be issued in the form and denominations

1 and executed in the manner and under the terms, conditions, and
2 details determined by the commission or a financing corporation, as
3 applicable, in the resolution authorizing their issuance. The
4 bonds issued by the commission must be signed on behalf of the
5 state by the governor, have the state seal [~~of-the-state~~] impressed
6 on them, and be attested by the secretary of state. If any officer
7 whose manual or facsimile signature appears on the bonds ceases to
8 be an officer, the signature is still valid and sufficient for all
9 purposes as if the officer had remained in office.

10 SECTION 33. Section 221.104, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 221.104. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
13 following documents shall be received by a court, public office, or
14 official body as prima facie evidence of the facts, or the
15 existence or nonexistence of the facts, stated in the document:

16 (1) a certificate issued by the secretary of state
17 under this chapter;

18 (2) a copy, certified by the secretary of state, of a
19 document filed in the office of the secretary of state under this
20 chapter; and

21 (3) a certificate of the secretary of state under the
22 state seal [~~Great--Seal--of--Texas~~] as to the existence or
23 nonexistence of a fact relating to a development corporation that
24 would not appear from a document or certificate under Subdivision
25 (1) or (2).

26 SECTION 34. Section 345.063(b), Health and Safety Code, is
27 amended to read as follows:

1 (b) The stamps must contain:
2 (1) a replica of the state seal [~~Great-Seal-of-Texas~~];
3 (2) the registry number, the serial numbers, or both;
4 and
5 (3) any other information as determined by the
6 department.

7 SECTION 35. Section 51.243(a), Natural Resources Code, is
8 amended to read as follows:

9 (a) Each patent for land from the state shall be issued in
10 the name and by authority of the state under the state seal [~~of-the~~
11 ~~state~~] and the land office seal and shall be signed by the governor
12 and countersigned by the commissioner.

13 SECTION 36. Section 161.116(b), Natural Resources Code, is
14 amended to read as follows:

15 (b) The bonds shall be signed by the chairman and the
16 secretary of the board and the seal of the board shall be impressed
17 on the bonds. In addition, the bonds shall be signed by the
18 governor and attested by the Secretary of State with the state seal
19 [~~of-the-state~~] impressed on the bonds.

20 SECTION 37. Section 162.036(b), Natural Resources Code, is
21 amended to read as follows:

22 (b) The bonds shall be signed by the chairman and the
23 secretary of the board and the seal of the board shall be impressed
24 on the bonds. In addition, the bonds shall be signed by the
25 governor and attested by the secretary of state with the state seal
26 [~~of-the-state~~] impressed on the bonds.

27 SECTION 38. Section 171.355(d), Tax Code, is amended to read

1 as follows:

2 (d) The failure of the secretary of state to mail a copy of
3 legal process to a corporation does not affect the validity of the
4 service of process. It is competent and sufficient proof of the
5 service of process that the secretary of state certifies under the
6 state [~~secretary's-official~~] seal the receipt of the process.

7 SECTION 39. Article 8253, Revised Statutes, is amended to
8 read as follows:

9 Art. 8253. BRANCH PILOT LICENSE. All branch pilots
10 appointed under and in accordance with this law or the rules and
11 regulations of such navigation district shall enter into bond with
12 one or more good and sufficient sureties in the sum of five
13 thousand dollars, payable to the Governor, conditioned upon the
14 faithful performance on any employee which together with any other
15 insurance under commissioners of such district, and shall be
16 deposited in the office of the Secretary of State. Each pilot
17 shall also take the official oath, which shall be endorsed on said
18 bond. Upon the filing of said bond, and the taking of said oath,
19 the commissioners of such district shall certify to the Governor
20 that each branch pilot has duly qualified to act as such, and
21 thereupon the Governor shall issue to said branch pilot, in the
22 name and under the state seal [~~of-the-State~~], a commission to serve
23 as branch pilot from such ports, across any intermediate bars, to
24 the open gulf; and said commission shall be for a term of four
25 years, unless such branch pilot shall be dismissed from service by
26 said navigation and canal commissioners, in which event such
27 commission shall expire.

1 SECTION 40. Section 4.06, Houston Pilots Licensing and
2 Regulatory Act (Article 8280a, Vernon's Texas Civil Statutes), is
3 amended to read as follows:

4 Sec. 4.06. ISSUANCE OF LICENSE. On filing of the bond and
5 oath provided by Section 4.09 of this Act, the board shall certify
6 to the governor that the branch pilot has duly qualified to act as
7 a branch pilot, and on receiving this certification, the governor
8 shall issue to the branch pilot, in the name and under the state
9 seal [~~of-the-state~~], a commission to serve as a branch pilot from
10 the ports within the jurisdiction of the board, across intermediate
11 bars, to and from the open gulf.

12 SECTION 41. Section 4.06(a), Galveston County Pilots
13 Licensing and Regulatory Act (Article 8280b, Vernon's Texas Civil
14 Statutes), is amended to read as follows:

15 (a) On filing of the bond and oath provided by Section 4.09
16 of this Act, the board shall certify to the governor that the
17 branch pilot has duly qualified to act as a branch pilot, and on
18 receiving this certification, the governor shall issue to the
19 branch pilot, in the name and under the state seal [~~of-the-state~~],
20 a commission to serve as a branch pilot from the ports within the
21 jurisdiction of the board, across intermediate bars, to and from
22 the open gulf.

23 SECTION 42. Section 4.06(a), Brazoria County Pilots
24 Licensing and Regulatory Act (Article 8280c, Vernon's Texas Civil
25 Statutes), is amended to read as follows:

26 (a) On filing of the bond and oath provided by Section 4.09
27 of this Act, the board shall certify to the governor that the

1 branch pilot has qualified to act as a branch pilot, and on
2 receiving this certification, the governor shall issue to the
3 branch pilot, in the name and under the state seal [~~of-the--state~~],
4 a commission to serve as a branch pilot from the ports within the
5 jurisdiction of the board, across intermediate bars, to and from
6 the open gulf.

7 SECTION 43. The following laws are repealed:

8 (1) Articles 6139, 6140, 6141, and 6142, Revised
9 Statutes;

10 (2) Chapter 87, General Laws, Acts of the 43rd
11 Legislature, Regular Session, 1933 (Article 6142a, Vernon's Texas
12 Civil Statutes);

13 (3) Chapter 77, Acts of the 54th Legislature, Regular
14 Session, 1955 (Article 6142b, Vernon's Texas Civil Statutes); and

15 (4) Section 17.07, Business & Commerce Code.

16 SECTION 44. This Act applies only to a license issued under
17 Section 17.08, Business & Commerce Code, on or after the effective
18 date of this Act. A license issued before the effective date of
19 this Act is governed by the law in effect at the time the license
20 was issued, and that law is continued in effect for this purpose.

21 SECTION 45. The change in the designation of the Great Seal
22 of the State of Texas, the seal of the secretary of state, or any
23 other seal under this Act does not affect the validity of any
24 document signed or any other act performed under seal before the
25 effective date of this Act.

26 SECTION 46. The change in law made by Section 43 of this Act
27 does not apply to a civil action commenced before the effective

1 date of this Act. A civil action commenced before the effective
2 date of this Act is covered by the law in effect when the action
3 was commenced, and the former law is continued in effect for this
4 purpose.

5 SECTION 47. (a) The change in law made by Section 43 of
6 this Act does not apply to the prosecution of an offense committed
7 before the effective date of this Act. For purposes of this
8 section, an offense is committed before the effective date of this
9 Act if any element of the offense occurs before that date.

10 (b) An offense committed before the effective date of this
11 Act is covered by the law in effect when the offense was committed,
12 and the former law is continued in effect for this purpose.

13 SECTION 48. Each board, commission, department, institution,
14 office, or other agency of the state government, including an
15 institution of higher education as defined by Section 61.003,
16 Education Code, shall use the state flags, staffs, and finials and
17 any item bearing the Great Seal of Texas it has on the effective
18 date of this Act until those items are unserviceable.

19 SECTION 49. The importance of this legislation and the
20 crowded condition of the calendars in both houses create an
21 emergency and an imperative public necessity that the
22 constitutional rule requiring bills to be read on three several
23 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

1st Printing

93 APR -5 PM 2: 30
HOUSE OF REPRESENTATIVES

By Van de Putte

H.B. No. 1463

Substitute the following for H.B. No. 1463:

By Hunter of Taylor

C.S.H.B. No. 1463

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the description and use of the state flag, the
3 governor's flag, the state arms, and the state seal and to the
4 adoption and rendition of the state song.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Title 106, Revised Statutes, is amended by adding
7 Article 6139a to read as follows:

8 Art. 6139a. DESCRIPTION OF THE STATE FLAG. (a) The state
9 flag is the 1839 national flag of the Republic of Texas.

10 (b) The state flag consists of a rectangle with a width to
11 length ratio of two to three containing:

12 (1) a blue vertical stripe one-third the entire length
13 of the flag wide, and two equal horizontal stripes, the upper
14 stripe white, the lower red, each two-thirds the entire length of
15 the flag long; and

16 (2) a white, regular five-pointed star in the center
17 of the blue stripe, oriented so that one point faces upward, and of
18 such a size that the diameter of a circle passing through the five
19 points of the star is equal to three-fourths the width of the blue
20 stripe.

21 (c) The red, white, and blue of the state flag stand,
22 respectively, for bravery, purity, and loyalty.

23 (d) The red and blue colors of the state flag are the same
24 colors used in the United States flag and are defined as numbers

1 80108 (red) and 80075 (dark blue) of The Standard Color Reference
2 of America, 10th edition.

3 (e) When displayed permanently mounted on a staff, as for
4 indoor or parade use, the state flag may be decorated with gold
5 fringe and its staff with gold cords and tassels.

6 (f) When the state flag is displayed on a staff, the staff
7 should be at least 2-1/2 times as long as the flag's hoist, and the
8 state flag should be attached to the staff's peak. The staff's
9 finial should be either a lone star or a spearhead.

10 (g) The governor may prescribe additional rules with respect
11 to the description of the state flag. The governor shall set forth
12 any alterations or additional rules in an executive order published
13 in the Texas Register.

14 SECTION 2. Title 106, Revised Statutes, is amended by adding
15 Article 6139b to read as follows:

16 Art. 6139b. PLEDGE OF ALLEGIANCE TO THE STATE FLAG. (a)
17 The pledge of allegiance to the state flag is, "Honor the Texas
18 flag; I pledge allegiance to thee, Texas, one and indivisible."

19 (b) The pledge of allegiance to the state flag should be
20 rendered by all present except those in uniform by standing at
21 attention facing the flag with the right hand over the heart.
22 Individuals who are not in uniform and who are wearing a headdress
23 that is easily removeable should remove their headdress with their
24 right hand and hold it at the left shoulder, with the hand over the
25 heart. Individuals in uniform should remain silent, face the flag,
26 and render the military salute.

27 (c) The pledge of allegiance to the state flag may be

1 recited at all public and private meetings at which the pledge of
2 allegiance to the United States flag is recited and at state
3 historical events and celebrations.

4 (d) The pledge of allegiance to the state flag should be
5 recited after the pledge of allegiance to the United States flag if
6 both are recited.

7 SECTION 3. Title 106, Revised Statutes, is amended by adding
8 Article 6139c to read as follows:

9 Art. 6139c. TEXAS FLAG CODE

10 Sec. 1. This article may be cited as the Texas Flag Code.

11 Sec. 2. The rules set out by Section 3 of this article
12 govern the use of the state flag in this state.

13 Sec. 3. (a) The state flag normally should not be displayed
14 outdoors earlier than sunrise or later than sunset. However, when
15 a patriotic effect is desired, the state flag may be displayed 24
16 hours a day if properly illuminated during the hours of darkness or
17 may be displayed under the same circumstances as the United States
18 flag may be displayed.

19 (b) The state flag should be hoisted briskly and lowered
20 ceremoniously.

21 (c) The state flag should not be displayed on days when the
22 weather is inclement unless a weatherproof flag is displayed.

23 (d) The state flag should be displayed on all state holidays
24 and on special occasions of historical significance. Texas Flag
25 Day shall be celebrated on March 2, Texas Independence Day.

26 (e) The state flag should be displayed daily on or near the
27 main administration building of every state institution.

1 (f) The state flag, when carried in a procession with
2 another flag or flags except the United States flag, should be
3 either on the marching right, that is, the state flag's right, or,
4 if there is a line of other flags, in front of the center of that
5 line. When the state flag is carried in a procession in which the
6 United States flag is carried, the United States flag should be on
7 the marching right, that is, the United States flag's right, and
8 the state flag should be on the United States flag's left.

9 (g) The state flag should not be displayed on a float in a
10 parade except from a staff or as provided in Subsection (o) of this
11 section.

12 (h) The state flag should not be draped over the hood, top,
13 side, or back of any vehicle, railroad train, boat, or aircraft.
14 When the state flag is displayed on a motor vehicle, the staff
15 should be fixed firmly to the chassis or clamped to the right
16 fender. If the United States flag is also displayed, its staff
17 should be clamped to the right fender, and the state flag's staff
18 should be clamped to the left fender.

19 (i) No flag or pennant other than the United States flag
20 should be placed above or, if on the same level, to the state
21 flag's right, that is, the observer's left. When the state and
22 United States flags are displayed at the same time, they should be
23 flown on flagpoles of the same height, and the flags should be of
24 approximately equal size. The United States flag should be
25 displayed to the United States flag's right, that is, the
26 observer's left. However, when it is necessary for the state and
27 United States flags to be flown from the same flagpole, the state

1 flag should be displayed underneath the United States flag. When
2 the state flag is displayed on a separate flagpole from the United
3 States flag, the state flag should be hoisted after the United
4 States flag is hoisted and lowered before the United States flag is
5 lowered.

6 (j) When the state flag is displayed with another flag,
7 other than the United States flag, against a wall from crossed
8 staffs, the state flag should be on the state flag's right, that
9 is, the observer's left, and its staff should be in front of the
10 staff of the other flag. When the state and United States flags
11 are displayed against a wall from crossed staffs, the state flag
12 should be on the United States flag's left, that is, the observer's
13 right, and behind the staff of the United States flag.

14 (k) The state flag should be at the center and at the
15 highest point of a group when a number of flags or pennants of
16 municipalities, localities, organizations, or corporations are
17 grouped and displayed from staffs.

18 (l) When flags or pennants of municipalities, localities,
19 organizations, or corporations are flown on the same halyard with
20 the state flag, the latter should always be at the peak. When the
21 flags are flown from adjacent staffs, the state flag should be
22 hoisted first and lowered last. Those flags or pennants may not be
23 placed above the state flag or to the state flag's right, that is,
24 the observer's left.

25 (m) When the state flag is displayed with the flags of other
26 states of the United States, nations other than the United States,
27 and international organizations, the state flag should be displayed

1 on the state flag's right, that is, the observer's left, on a
2 separate flagpole or staff. This subsection does not apply to the
3 United States or any agency of the United States, including the
4 armed services, when federal law, custom, or practice dictates
5 otherwise. The state flag should not be displayed above the flags
6 of other states of the United States, nations, and international
7 organizations on the same flagpole, and the state flag should not
8 be displayed from a higher flagpole or staff.

9 (n) When the state flag is displayed from a staff projecting
10 horizontally or at an angle from a windowsill, balcony, or front of
11 a building, the top of the flag should be placed at the peak of the
12 staff unless the flag is at half-staff. When the state flag is
13 suspended over a sidewalk from a rope extending from a house to a
14 pole at the edge of the sidewalk, the flag should be hoisted out,
15 white stripe first, from the building.

16 (o) When the state flag is displayed horizontally, the white
17 stripe should be uppermost and to the state flag's left, that is,
18 to the observer's right. When displayed in a window, the state
19 flag should be displayed in the same way, with the blue stripe to
20 the left of an observer who is outside the window. When the state
21 flag is displayed vertically, the blue stripe should be uppermost
22 and the white stripe should be to the state flag's right, that is,
23 to the observer's left.

24 (p) When the state flag is displayed over the middle of a
25 street, it should be suspended vertically with the blue stripe
26 uppermost and the white stripe to the north in an east and west
27 street, or with the white stripe to the east in a north and south

1 street.

2 (q) When used on a speaker's platform, the state flag, if
3 displayed flat, should be displayed above and behind the speaker.
4 If both the state and United States flags are displayed on a
5 speaker's platform at the same time, the state flag should be on
6 the state flag's left, that is, the observer's right, while the
7 United States flag should be on the United States flag's right,
8 that is, the observer's left.

9 (r) The state flag should form a distinctive feature of the
10 ceremony of unveiling a statue or monument, but it should never be
11 used as the covering for the statue or monument.

12 (s) The state flag, when flown at half-staff, should be
13 first hoisted to the peak of the flagpole for an instant and then
14 lowered to the half-staff position. The state flag should be again
15 raised to the peak before it is lowered for the day. On Memorial
16 Day the state flag should be displayed at half-staff until noon
17 only, then raised to the peak of the flagpole. By order of the
18 governor, the state flag shall be flown at half-staff on the death
19 of an individual as a mark of respect to the individual's memory.

20 (t) When the state flag is used to cover a casket, it should
21 be so placed that the blue stripe is at the head and the white
22 stripe is over the left shoulder, that is, the observer's right.
23 The state flag should not be lowered into the grave or allowed to
24 touch the ground.

25 (u) When the state flag is suspended across a corridor or
26 lobby in a building with only one main entrance, it should be
27 suspended vertically with the white stripe of the flag to the

1 observer's left on entering. If the building has more than one
2 main entrance, the state flag should be suspended vertically near
3 the center of the corridor or lobby with the white stripe to the
4 north, when entrances are to the east and west, or to the east,
5 when entrances are to the north and south. If there are entrances
6 in more than two directions, the white stripe should be to the
7 east.

8 (v) The state flag should not be dipped to any person or
9 thing except as a mark of honor for the United States flag.

10 (w) When the state flag is displayed from a flagpole or
11 staff, the white stripe should always be at the top of the flag,
12 except as a signal of dire distress in instances of extreme danger
13 to life or property.

14 (x) The state flag should not touch anything beneath it,
15 such as the ground or the floor, and should not trail in water.

16 (y) The state flag should, when practicable, not be carried
17 flat or horizontally, but aloft and free.

18 (z) The state flag should not be used as bedding or drapery.
19 It should not be festooned, drawn back, or up, in folds, but always
20 allowed to fall free. Bunting of blue, white, and red, always
21 arranged with the blue above, the white in the middle, and the red
22 below, should be used instead of the state flag for covering a
23 speaker's desk, for draping the front of a platform, and for
24 decoration in general.

25 (aa) The state flag should not be fastened, displayed, used,
26 or stored in a manner that it can be easily torn, soiled, or
27 damaged in any way.

1 (bb) The state flag should not be used as a covering for a
2 ceiling.

3 (cc) The state flag should not have placed on any part of
4 it, or attached to it, any mark, insignia, letter, word, figure,
5 design, picture, or drawing of any nature.

6 (dd) The state flag should not be used as a receptacle for
7 receiving, holding, carrying, or delivering anything.

8 (ee) Advertisements should not be fastened to a staff or
9 halyard from which the state flag is flown.

10 (ff) The state flag, when it is in such a condition that it
11 is no longer a fitting emblem for display, should be destroyed in a
12 dignified way, preferably by burning.

13 (gg) During the ceremony of hoisting or lowering the state
14 flag or when the state flag is passing in a parade or in review,
15 all individuals present except those in uniform should face the
16 state flag and stand at attention with the right hand over the
17 heart. Those present in uniform should render the military salute.
18 When not in uniform, individuals who are wearing a headdress that
19 is easily removeable should remove their headdress with their right
20 hand and hold it at the left shoulder, with the hand over the
21 heart. Individuals who are not citizens of this state should stand
22 at attention. The salute to the state flag in a moving column
23 should be rendered at the moment the state flag passes.

24 Sec. 4. The governor may alter, modify, or repeal any rule
25 relating to the display of the state flag set forth in Section 3 or
26 may prescribe additional rules with respect to the display of the
27 state flag. The governor shall set forth any alterations or

1 additional rules in an executive order published in the Texas
2 Register.

3 Sec. 5. (a) A governmental subdivision or agency may not
4 enact or enforce a law that prohibits:

5 (1) the display of a municipal flag, the state flag,
6 the flag of another state of the United States, the United States
7 flag, or the flag of a nation other than the United States; or

8 (2) any conduct covered by this article.

9 (b) This section does not apply to an action by a
10 governmental subdivision or agency to enact or enforce a law
11 established to protect the public health and safety.

12 SECTION 4. Title 106, Revised Statutes, is amended by adding
13 Article 6139d to read as follows:

14 Art. 6139d. FLAG OF THE GOVERNOR. The governor may adopt a
15 flag for the governor's official use. The governor shall set forth
16 the description of the flag in an executive order published in the
17 Texas Register.

18 SECTION 5. Title 106, Revised Statutes, is amended by adding
19 Article 6139e to read as follows:

20 Art. 6139e. STATE SONG. (a) The state song is "Texas, Our
21 Texas" by William J. Marsh and Gladys Yoakum Wright:

22 Texas, our Texas! All hail the mighty State!

23 Texas, our Texas! So wonderful so great!

24 Boldest and grandest, Withstanding ev'ry test;

25 O Empire wide and glorious, You stand supremely blest.

26 Refrain

27 God bless you Texas! And keep you brave and strong,

1 That you may grow in power and worth, Thro'out the
2 ages long.

3 Texas, O Texas! Your freeborn single star,
4 Sends out its radiance to nations near and far.
5 Emblem of freedom! It sets our hearts aglow,
6 With thoughts of San Jacinto and glorious Alamo.

7 Refrain

8 Texas, dear Texas! From tyrant grip now free,
9 Shines forth in splendor your star of destiny!
10 Mother of heroes! We come your children true,
11 Proclaiming our allegiance, our faith, our love for you.

12 Refrain

13 (b) During the rendition of the state song when the state
14 flag is displayed, all individuals present except those in uniform
15 should stand at attention facing the state flag with the right hand
16 over the heart. Those present in uniform should render the
17 military salute at the first note of the state song and retain this
18 position until the last note. When not in uniform, individuals who
19 are wearing a headdress that is easily removeable should remove
20 their headdress with their right hand and hold it at the left
21 shoulder, with the hand over the heart. Individuals who are not
22 citizens of this state should stand at attention.

23 (c) When the state flag is not displayed, those present
24 should face toward the music and act in the same manner as they
25 would if the state flag were displayed there.

26 (d) The state song should be rendered after the national
27 anthem if both are rendered.

1 SECTION 6. Title 106, Revised Statutes, is amended by adding
2 Article 6139f to read as follows:

3 Art. 6139f. STATE SEAL; STATE ARMS. (a) The state seal is
4 as provided by Article IV, Section 19, of the Texas Constitution.

5 (b) The reverse of the state seal contains a shield,
6 displaying a depiction of the Alamo, the cannon of the Battle of
7 Gonzales, and Vince's Bridge. The shield is encircled by live oak
8 and olive branches, and the unfurled flags of the Kingdom of
9 France, the Kingdom of Spain, the United Mexican States, the
10 Republic of Texas, the Confederate States of America, and the
11 United States of America. Above the shield is emblazoned the
12 motto, "REMEMBER THE ALAMO," and beneath it are the words, "TEXAS
13 ONE AND INDIVISIBLE," with a white five-pointed star hanging over
14 the shield, centered between the flags.

15 (c) The state arms are a white star of five points, on an
16 azure ground, encircled by olive and live oak branches.

17 (d) The secretary of state, by rule, shall adopt standard
18 designs for the state seal, the reverse of the state seal, and the
19 state arms.

20 (e) A law that requires the use of the state seal does not
21 require the use of the state arms or the reverse of the state seal.

22 SECTION 7. Section 2.02, Education Code, is amended to read
23 as follows:

24 Sec. 2.02. THE FLYING OF THE STATE FLAG. On all regular
25 school days, every school and other educational institution covered
26 by this code shall fly the state [Texas] flag in accordance with
27 the Texas Flag Code, Article 6139c, Revised Statutes [general-rules

1 ~~governing-its-use~~].

2 SECTION 8. Section 17.08, Business & Commerce Code, is
3 amended to read as follows:

4 Sec. 17.08. PRIVATE USE OF STATE [~~GREAT~~] SEAL [~~OF-TEXAS~~].

5 (a) In this section:

6 (1) "Commercial purpose" means a purpose that is
7 intended to result in a profit or other tangible benefit but does
8 not include:

9 (A) [an] official use of the state seal or a
10 representation of the state seal in a state function;

11 (B) [or-the] use of the state seal [Great--Seal
12 of--Texas] or a representation of the state seal [Great-Seal-of
13 Texas] for a political purpose by an elected official of this
14 state;

15 (C) use of the state seal or a representation of
16 the state seal in an encyclopedia, dictionary, book, journal,
17 pamphlet, periodical, magazine, or newspaper incident to a
18 description or history of seals, coats of arms, heraldry, or this
19 state;

20 (D) use of the state seal or a representation of
21 the state seal in a library, museum, or educational facility
22 incident to descriptions or exhibits relating to seals, coats of
23 arms, heraldry, or this state;

24 (E) use of the state seal or a representation of
25 the state seal in a theatrical, motion-picture, television, or
26 similar production for a historical, educational, or newsworthy
27 purpose; or

1 (F) use of the state seal or a representation of
2 the state seal for another historical, educational, or newsworthy
3 purpose if authorized in writing by the secretary of state.

4 (2) "Representation of the state seal [~~Great-Seat-of~~
5 ~~Texas~~]" includes a nonexact representation that the secretary of
6 state determines is deceptively similar to the state seal. [~~Great~~
7 ~~Seat-of-Texas~~]

8 (3) "Official use" means the use of the state seal
9 [~~Great--Seat--of--Texas~~] by an officer or employee of this state in
10 performing a state function. [↗]

11 (4) "State function" means a state governmental
12 activity authorized or required by law.

13 (5) "State seal" means the state seal, the reverse of
14 the state seal, and the state arms as defined by Article 6139f,
15 Revised Statutes.

16 (b) Except as otherwise provided by this section, a person
17 may not use a representation of the state seal [~~Great--Seat--of~~
18 ~~Texas~~]:

19 (1) to advertise or publicize tangible personal
20 property or a commercial undertaking; or

21 (2) for another commercial purpose.

22 (c) A person may use a representation of the state seal
23 [~~Great--Seat--of--Texas~~] for a commercial purpose if the person
24 obtains a license from the secretary of state for that use. The
25 secretary of state, under the authority vested in the secretary as
26 custodian of the seal under Article IV, Section 19, of the Texas
27 Constitution, shall issue a license to a person who applies for a

1 license on a form provided by the secretary of state and who pays
2 the fees required under this section if the secretary of state
3 determines that the use is in the best interests of the state and
4 not detrimental to the image of the state. A license issued under
5 this section expires one year after the date of issuance and may be
6 renewed.

7 (d) The secretary of state shall adopt rules relating to the
8 use of the state seal [~~Great-Seal-of-Texas~~] by a person licensed
9 under this section. The secretary of state shall adopt the rules
10 in the manner provided by the Administrative Procedure and Texas
11 Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

12 (e) The application fee for a license under this section is
13 \$35. The license fee for an original or renewal license is \$250.
14 In addition to those fees, each licensee shall pay an amount equal
15 to three percent of the licensee's annual gross receipts related to
16 the licensed use in excess of \$5,000 to the state as a royalty fee.

17 (f) A person licensed under this section shall maintain
18 records relating to the licensee's use of the state seal [~~Great~~
19 ~~Seal-of-Texas~~] in the manner required by the rules of the secretary
20 of state. The secretary of state may examine the records during
21 reasonable business hours to determine the licensee's compliance
22 with this section. Each licensee shall display the license in a
23 conspicuous manner in the licensee's office or place of business.

24 (g) The secretary of state may suspend or revoke a license
25 issued under this section for failure to comply with this section
26 or the rules adopted under this section. The secretary of state
27 may bring a civil action to enjoin a violation of this section or

1 the rules adopted under this section.

2 (h) A person who reproduces an official document bearing the
3 state seal [~~Great-Seal-of-Texas~~] does not violate Subsection (b) of
4 this section if the document is:

5 (1) reproduced in complete form; and

6 (2) used for a purpose related to the purpose for
7 which the document was issued by the state.

8 (i) A person who violates a provision of Subsection (b) of
9 this section commits an offense. An offense under this section is
10 a Class C misdemeanor.

11 (j) A person who violates Subsection (b) of this section
12 commits a separate offense each day that the person violates a
13 provision of that subsection.

14 SECTION 9. Sections 9A(a) and (b), State Aircraft Pooling
15 Act (Article 4413(34b), Vernon's Texas Civil Statutes), are amended
16 to read as follows:

17 (a) Except as provided by Subsection (c) of this section,
18 all aircraft owned or leased by the state shall be marked:

19 (1) with the [~~Texas~~] state seal on each side of the
20 aircraft's vertical stabilizer; and

21 (2) with the words "The State of Texas" on each side
22 of the aircraft's fuselage.

23 (b) The board shall, consistent with federal regulations and
24 Article 6139f, Revised Statutes, and its subsequent amendments,
25 adopt rules governing the color, size, and location of marks of
26 identification required by this section.

27 SECTION 10. Section 30, The Securities Act (Article 581-30,

1 Vernon's Texas Civil Statutes), is amended to read as follows:

2 Sec. 30. CERTIFIED COPIES OF PAPERS FILED WITH COMMISSIONER
3 AS EVIDENCE. Copies of all papers, instruments, or documents filed
4 in the office of the Commissioner, certified by the Commissioner,
5 shall be admitted to be read in evidence in all courts of law and
6 elsewhere in this state in all cases where the original would be
7 admitted in evidence; provided, that in any proceeding in the court
8 having jurisdiction, the court may, on cause shown, require the
9 production of the originals.

10 The Commissioner shall assume custody of all records of the
11 Securities Divisions within the offices of the Secretary of State
12 and of the Board of Insurance Commissioners, and henceforth these
13 prior records shall be proven under certificate of the
14 Commissioner.

15 In any prosecution, action, suit or proceeding before any of
16 the several courts of this state based upon or arising out of or
17 under the provisions of this Act, a certificate under the state
18 seal [~~of--the--state~~], duly signed by the Commissioner, showing
19 compliance or non-compliance with the provisions of this Act
20 respecting compliance or non-compliance with the provisions of this
21 Act by any dealer or salesman, shall constitute prima facie
22 evidence of such compliance or of such non-compliance with the
23 provisions of this Act, as the case may be, and shall be admissible
24 in evidence in any action at law or in equity to enforce the
25 provisions of this Act.

26 SECTION 11. Section 3, Texas Uniform Facsimile Signature of
27 Public Officials Act (Article 717j-1, Vernon's Texas Civil

1 Statutes), is amended to read as follows:

2 Sec. 3. FACSIMILE SEAL. When the state seal [~~of--this~~
3 ~~state~~], the seal of any of the state's [~~its~~] political
4 subdivisions, or the seal of any department, agency, or other
5 instrumentality of this state or its political subdivisions is
6 required in the execution, authentication, certification, or
7 endorsement of a public security, eligible contract, instrument of
8 payment or certificate of assessment, the authorized officer may
9 cause the seal to be printed, engraved, lithographed, stamped, or
10 otherwise placed in facsimile thereon. The facsimile seal has the
11 same legal effect as the impression of the seal.

12 SECTION 12. Section 4.058, Public Facility Corporation Act
13 (Article 717s, Revised Statutes), is amended to read as follows:

14 Sec. 4.058. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
15 following documents shall be received by a court, public office, or
16 official body as prima facie evidence of the facts, or the
17 existence or nonexistence of the facts, stated in the document:

18 (1) a certificate issued by the secretary of state
19 under this article;

20 (2) a copy, certified by the secretary of state, of a
21 document filed in the office of the secretary of state under this
22 article; and

23 (3) a certificate of the secretary of state under the
24 state seal [~~Great--Seal--of--Texas~~] as to the existence or
25 nonexistence of a fact relating to a corporation that would not
26 appear from a document or certificate under Subdivision (1) or (2)
27 of this section.

1 SECTION 13. Section 9.06, Texas Non-Profit Corporation Act
2 (Article 1396-9.06, Vernon's Texas Civil Statutes), is amended to
3 read as follows:

4 Sec. 9.06. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED
5 IN EVIDENCE. A. All certificates issued by the Secretary of State
6 in accordance with the provisions of this Act, and all copies of
7 documents filed in his office, in accordance with the provisions of
8 this Act when certified by him, shall be taken and received in all
9 courts, public offices, and official bodies as prima facie evidence
10 of the facts therein stated and may be officially recorded. A
11 certificate by the Secretary of State under the state [great] seal
12 [~~of-this-State~~], as to the existence or non-existence of the facts
13 relating to corporations which would not appear from a certified
14 copy of any of the foregoing documents or certificates shall be
15 taken and received in all courts, public offices, and official
16 bodies as prima facie evidence of the existence or non-existence of
17 the facts therein stated.

18 SECTION 14. Section 8, Electric Cooperative Corporation Act
19 (Article 1528b, Vernon's Texas Civil Statutes), is amended to read
20 as follows:

21 Sec. 8. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
22 INCORPORATION. When the incorporators of any corporation shall
23 furnish satisfactory evidence to the Secretary of State of a
24 compliance with the provisions of this Act, said officer shall
25 receive, file, and record the articles of incorporation of such
26 corporation in his office, upon application and payment of all fees
27 therefor, and give a certificate showing the recording of such

1 articles and authority to do business thereunder. The articles
2 shall thereupon be filed in the office of the Secretary of State,
3 who shall record same at length in a book to be kept for that
4 purpose, and retain the original on file in his office. A copy of
5 the articles, or of the record thereof, certified under the state
6 seal [~~Great--Seal-of-the-State~~], shall be evidence of the creation
7 of the corporation. The existence of the corporation shall date
8 from the filing of the articles in the office of the Secretary of
9 State. The certificate of the Secretary of State shall be evidence
10 of such filing.

11 SECTION 15. Section 7, Telephone Cooperative Act (Article
12 1528c, Vernon's Texas Civil Statutes), is amended to read as
13 follows:

14 Sec. 7. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
15 INCORPORATION. When the incorporators of any corporation shall
16 furnish satisfactory evidence to the Secretary of State of a
17 compliance with the provisions of this Act, said officer shall
18 receive, file, and record the articles of incorporation of such
19 corporation in his office, upon application and payment of all fees
20 therefor, and give a certificate showing the recording of such
21 articles and authority to do business thereunder. The articles
22 shall thereupon be filed in the office of the Secretary of State,
23 who shall record same at length in a book to be kept for that
24 purpose, and retain the original on file in his office. A copy of
25 the articles, or of the record thereof, certified under the state
26 seal [~~Great--Seal-of-the-State~~], shall be evidence of the creation
27 of the corporation. The existence of the corporation shall date

1 from the filing of the articles in the office of the Secretary of
2 State. The certificate of the Secretary of State shall be evidence
3 of such filing.

4 SECTION 16. Section 1, Chapter 65, Acts of the 43rd
5 Legislature, 2nd Called Session, 1934 (Article 2606a, Vernon's
6 Texas Civil Statutes), is amended to read as follows:

7 Sec. 1. The Governor of the State of Texas is hereby
8 authorized to have printed manuscript bonds of the State of Texas
9 in convenient denominations to be determined by him for the purpose
10 of refunding the principal of the bonds hereinafter mentioned.
11 Said bonds shall be designated "State of Texas Refunding Bonds,
12 Issue of 1934." Said bonds shall be numbered and dated as
13 hereinafter indicated and shall bear the rate of interest
14 hereinafter fixed, and shall become due and payable on the dates
15 hereinafter shown. Interest paying dates on the various bonds
16 authorized herein shall be fixed as hereinafter indicated. The
17 form of such bonds shall be prepared by the Attorney General. Each
18 of them shall be signed by the Governor and the Treasurer of the
19 State of Texas and countersigned and registered by the Comptroller,
20 and shall have the state seal [~~of-Texas~~] affixed thereto.

21 SECTION 17. Article 4012, Revised Statutes, is amended to
22 read as follows:

23 Art. 4012. EVIDENCE OF AUTHORITY. Any veteran of any of the
24 wars mentioned in this title, their wives, widows or members of
25 their families, and any minister of religion, or any fireman,
26 sister of charity or member of any religious society of like
27 character, who desires to receive the benefits of free or reduced

1 transportation as mentioned in this title shall present to the
2 president, manager, officer, or person authorized to issue such
3 transportation satisfactory evidence that he or she is entitled
4 thereto, as herein provided. The officers entitled to the benefits
5 of this law shall, when presenting themselves to the agent of any
6 such railway or interurban railway company for the purchase of a
7 ticket or to pay his fare, exhibit to such agent in case of the
8 Adjutant General and State Rangers a certificate of the Secretary
9 of State under the state seal, in case of sheriffs and constables
10 and their deputies a certificate under seal of the county judge of
11 the county where they hold office and in case of officers of a city
12 or town a certificate under seal of the mayor of such city or town
13 stating that such person is entitled to the reduced fare herein
14 provided for. Sheriffs and constables shall designate in writing
15 the two deputies entitled to the reduced rates herein provided for.
16 If the sheriff or constable has designated two deputies who are
17 entitled to such reduced rates, then no deputy of such sheriff or
18 constable shall be entitled to free transportation under the
19 provisions of the pass laws of this State.

20 SECTION 18. Section 5, Chapter 94, Acts of the 51st
21 Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas
22 Civil Statutes), is amended to read as follows:

23 Sec. 5. The Board shall preserve a record of its proceedings
24 in a book kept for that purpose, showing name, age, place, and
25 duration of residence of each applicant, the time spent in the
26 study of chiropractic in respective chiropractic schools, together
27 with such other information as the Board may desire to record.

1 Said register shall also show whether applicants were rejected or
2 licensed and shall be prima-facie evidence of all matters contained
3 therein. The secretary of the Board shall on May 1st of each year
4 transmit an official copy of said register to the Secretary of
5 State for permanent record, a certified copy of which, with hand
6 and seal of the secretary of said Board or the hand of the
7 Secretary of State under the state seal, shall be admitted in
8 evidence in all courts.

9 SECTION 19. Subdivision (2), Subsection E, Section 2,
10 Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953
11 (Article 4582b, Vernon's Texas Civil Statutes), is amended to read
12 as follows:

13 (2) The commission shall file annually with the
14 Governor a list of the names of all duly licensed funeral
15 directors, embalmers, and funeral establishments. A copy shall be
16 filed with the Secretary of State for permanent record, a certified
17 copy of which, under the hand [~~and-seal~~] of the Secretary of State
18 and the state seal, shall be admissible as evidence in all courts.

19 SECTION 20. Section 5, Chapter 104, Acts of the 48th
20 Legislature, Regular Session, 1943 (Article 5154a, Vernon's Texas
21 Civil Statutes), is amended to read as follows:

22 Sec. 5. ORGANIZERS. All labor union organizers operating in
23 the State of Texas shall be required to file with the Secretary of
24 State, before soliciting any members for his organization, a
25 written request by United States mail, or shall apply in person for
26 an organizer's card, stating (a) his name in full; (b) his labor
27 union affiliations, if any; (c) describing his credentials and

1 attaching thereto a copy thereof, which application shall be signed
2 by him. Upon such applications being filed, the Secretary of State
3 shall issue to the applicant a card on which shall appear the
4 following: (1) the applicant's name; (2) his union affiliation;
5 (3) a space for his personal signature; (4) a designation, "labor
6 organizer"; and, (5) the signature of the Secretary of State, dated
7 and attested by the state [~~his~~] seal [~~of-office~~]. Such organizer
8 shall at all times, when soliciting members, carry such card, and
9 shall exhibit the same when requested to do so by a person being so
10 solicited for membership.

11 SECTION 21. Section 7(a), Chapter 111, Acts of the 61st
12 Legislature, Regular Session, 1969 (Article 6144h, Vernon's Texas
13 Civil Statutes), is amended to read as follows:

14 (a) The decoration shall display the state seal [~~Great-Seal~~
15 ~~of-the-State-of-Texas~~] with the words "Distinguished Service Medal"
16 engraved in a circle thereon, and shall be suspended from a bar of
17 red, white, and blue.

18 SECTION 22. Article 6265, Revised Statutes, is amended to
19 read as follows:

20 Art. 6265. BEGINNING OF EXISTENCE. The existence of such
21 corporation shall date from the filing of the articles of
22 incorporation in the office of the Secretary of State, and the
23 certificate of the Secretary of State under the state seal [~~of-the~~
24 ~~State~~], shall be evidence of such filing.

25 SECTION 23. Article 6528, Revised Statutes, is amended to
26 read as follows:

27 Art. 6528. REGISTERING BONDS. When such bonds shall be

1 presented to the Secretary of State with said direction to
2 register, he shall register said bonds by entering a description
3 thereof in a book to be kept for that purpose, which shall show the
4 date, number, amount, when due, the rate of interest on each bond,
5 and also the date when the same is registered. The Secretary of
6 State shall indorse on each bond, under the state seal [~~of-his~~
7 ~~office~~] and his official signature, together with the date thereof,
8 as follows: "This bond is registered under the direction of the
9 Railroad Commission of Texas." Provided, however, that at the
10 direction of the Secretary of State the state [~~his-said~~] seal may
11 be a facsimile seal in lieu of the [~~his~~] manually impressed state
12 seal and his said signature may be his facsimile signature in lieu
13 of his manual signature. No bond or other evidence of debt,
14 hereafter issued by or under the authority of any person, firm,
15 corporation, court, or railroad company, whereby a lien is created
16 on its franchise or property situated in this State, shall be valid
17 or have any force until the same has been registered as required
18 herein.

19 SECTION 24. Section 201.048(d), Agriculture Code, is amended
20 to read as follows:

21 (d) The secretary of state shall make and issue to the
22 directors a certificate, under the state seal [~~of-this--state~~], of
23 the due organization of the conservation district. The secretary
24 shall record the certificate with the application and statement.

25 SECTION 25. Article 9.05, Texas Business Corporation Act, is
26 amended to read as follows:

27 Art. 9.05. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED

1 IN EVIDENCE. A. All certificates issued by the Secretary of State
2 in accordance with the provisions of this Act, and all copies of
3 documents filed in his office in accordance with the provisions of
4 this Act, when certified by him, shall be taken and received in all
5 courts, public offices, and official bodies as prima facie evidence
6 of the facts therein stated, and shall be subject to recordation.
7 A certificate by the Secretary of State, under the state [great]
8 seal [~~of--this-State~~], as to the existence or non-existence of the
9 facts relating to corporations which would not appear from a
10 certified copy of any of the foregoing documents or certificates
11 shall be taken and received in all courts, public offices, and
12 official bodies as prima facie evidence of the existence or
13 non-existence of the facts therein stated.

14 SECTION 26. Article 48.03, Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 48.03. GOVERNOR'S ACTS UNDER SEAL. All remissions of
17 fines and forfeitures, and all reprieves, commutations of
18 punishment and pardons, shall be signed by the Governor, and
19 certified by the Secretary of State, under the state [great] seal
20 [~~of--State~~], and shall be forthwith obeyed by any officer to whom
21 the same may be presented.

22 SECTION 27. Section 22, Article 51.13, Code of Criminal
23 Procedure, is amended to read as follows:

24 Sec. 22. FUGITIVES FROM THIS STATE; DUTY OF GOVERNOR.
25 Whenever the Governor of this State shall demand a person charged
26 with crime or with escaping from confinement or breaking the terms
27 of his bail, probation or parole in this State, from the Executive

1 Authority of any other State, or from the Chief Justice or an
2 Associate Justice of the Supreme Court of the District of Columbia
3 authorized to receive such demand under the laws of the United
4 States, he shall issue a warrant under the state seal [~~of--this~~
5 ~~State~~], to some agent, commanding him to receive the person so
6 charged if delivered to him and convey him to the proper officer of
7 the county in this State in which the offense was committed, or in
8 which the prosecution for such offense is then pending.

9 SECTION 28. Section 52.11(h), Education Code, is amended to
10 read as follows:

11 (h) The bonds shall be executed on behalf of the
12 coordinating board, or its successor, as general obligations of the
13 State of Texas in the following manner: They shall be signed by
14 the chairman or vice chairman and the secretary of the board, and
15 the seal of the board shall be impressed on them. They shall be
16 signed by the governor and attested by the secretary of state and
17 the state seal [~~of-the-state~~] impressed on them. The resolution
18 authorizing the issuance of any installment or series of bonds may
19 prescribe the extent to which facsimile signatures and facsimile
20 seals may be used in executing the bonds and appurtenant coupons.
21 Interest coupons may be signed with the facsimile signatures of the
22 chairman or vice chairman and the secretary of the board. In the
23 event any officer whose manual or facsimile signature appears on
24 any bond or coupon ceases to hold that office before the delivery
25 of the bond or coupon, the signature will nevertheless be valid and
26 sufficient for all purposes as if he had remained in office until
27 the delivery had been made.

1 SECTION 29. Section 88.204, Education Code, is amended to
2 read as follows:

3 Sec. 88.204. SALE OF STATIONS. If property used in the
4 operation of a station is sold, the title to the property shall not
5 pass from this state until a deed of conveyance is made to the
6 purchaser, duly signed by the governor and attested by the
7 secretary of state under the state [~~his-official~~] seal. All funds
8 received from the sale of station lands or property shall be
9 deposited in the state treasury and shall be paid out in accordance
10 with the provisions of this subchapter.

11 SECTION 30. Section 255.006(c), Election Code, is amended to
12 read as follows:

13 (c) A person other than an officeholder commits an offense
14 if the person knowingly uses a representation of the state seal
15 [~~Great-Seal-of-Texas~~] in political advertising.

16 SECTION 31. Section 441.059(a), Government Code, is amended
17 to read as follows:

18 (a) The records preservation officer shall prescribe the
19 place and manner of safekeeping of essential records or
20 preservation duplicates and shall establish storage facilities for
21 the records and duplicates. At least one copy of each essential
22 record and a duplicate state seal [~~of-the-state~~] shall be stored in
23 the safest possible location in facilities constructed to withstand
24 blast, fire, water, and other destructive forces. The facilities
25 must be in a place other than the legally designated or customary
26 storage location for the records or duplicates. The records
27 preservation officer shall properly maintain essential records and

1 preservation duplicates that the records preservation officer
2 stores.

3 SECTION 32. Section 465.025(d), Government Code, is amended
4 to read as follows:

5 (d) The bonds may be issued in the form and denominations
6 and executed in the manner and under the terms, conditions, and
7 details determined by the commission or a financing corporation, as
8 applicable, in the resolution authorizing their issuance. The
9 bonds issued by the commission must be signed on behalf of the
10 state by the governor, have the state seal [~~of-the-state~~] impressed
11 on them, and be attested by the secretary of state. If any officer
12 whose manual or facsimile signature appears on the bonds ceases to
13 be an officer, the signature is still valid and sufficient for all
14 purposes as if the officer had remained in office.

15 SECTION 33. Section 221.104, Health and Safety Code, is
16 amended to read as follows:

17 Sec. 221.104. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
18 following documents shall be received by a court, public office, or
19 official body as prima facie evidence of the facts, or the
20 existence or nonexistence of the facts, stated in the document:

21 (1) a certificate issued by the secretary of state
22 under this chapter;

23 (2) a copy, certified by the secretary of state, of a
24 document filed in the office of the secretary of state under this
25 chapter; and

26 (3) a certificate of the secretary of state under the
27 state seal [~~Great--Seal--of--Texas~~] as to the existence or

1 nonexistence of a fact relating to a development corporation that
2 would not appear from a document or certificate under Subdivision
3 (1) or (2).

4 SECTION 34. Section 345.063(b), Health and Safety Code, is
5 amended to read as follows:

6 (b) The stamps must contain:

7 (1) a replica of the state seal [~~Great-Seal-of-Texas~~];

8 (2) the registry number, the serial numbers, or both;

9 and

10 (3) any other information as determined by the
11 department.

12 SECTION 35. Section 51.243(a), Natural Resources Code, is
13 amended to read as follows:

14 (a) Each patent for land from the state shall be issued in
15 the name and by authority of the state under the state seal [~~of-the~~
16 ~~state~~] and the land office seal and shall be signed by the governor
17 and countersigned by the commissioner.

18 SECTION 36. Section 161.116(b), Natural Resources Code, is
19 amended to read as follows:

20 (b) The bonds shall be signed by the chairman and the
21 secretary of the board and the seal of the board shall be impressed
22 on the bonds. In addition, the bonds shall be signed by the
23 governor and attested by the Secretary of State with the state seal
24 [~~of-the-state~~] impressed on the bonds.

25 SECTION 37. Section 162.036(b), Natural Resources Code, is
26 amended to read as follows:

27 (b) The bonds shall be signed by the chairman and the

1 secretary of the board and the seal of the board shall be impressed
2 on the bonds. In addition, the bonds shall be signed by the
3 governor and attested by the secretary of state with the state seal
4 [~~of-the-state~~] impressed on the bonds.

5 SECTION 38. Section 171.355(d), Tax Code, is amended to read
6 as follows:

7 (d) The failure of the secretary of state to mail a copy of
8 legal process to a corporation does not affect the validity of the
9 service of process. It is competent and sufficient proof of the
10 service of process that the secretary of state certifies under the
11 state [~~secretary's-official~~] seal the receipt of the process.

12 SECTION 39. Article 8253, Revised Statutes, is amended to
13 read as follows:

14 Art. 8253. BRANCH PILOT LICENSE. All branch pilots
15 appointed under and in accordance with this law or the rules and
16 regulations of such navigation district shall enter into bond with
17 one or more good and sufficient sureties in the sum of five
18 thousand dollars, payable to the Governor, conditioned upon the
19 faithful performance on any employee which together with any other
20 insurance under commissioners of such district, and shall be
21 deposited in the office of the Secretary of State. Each pilot
22 shall also take the official oath, which shall be endorsed on said
23 bond. Upon the filing of said bond, and the taking of said oath,
24 the commissioners of such district shall certify to the Governor
25 that each branch pilot has duly qualified to act as such, and
26 thereupon the Governor shall issue to said branch pilot, in the
27 name and under the state seal [~~of-the-State~~], a commission to serve

1 as branch pilot from such ports, across any intermediate bars, to
2 the open gulf; and said commission shall be for a term of four
3 years, unless such branch pilot shall be dismissed from service by
4 said navigation and canal commissioners, in which event such
5 commission shall expire.

6 SECTION 40. Section 4.06, Houston Pilots Licensing and
7 Regulatory Act (Article 8280a, Vernon's Texas Civil Statutes), is
8 amended to read as follows:

9 Sec. 4.06. ISSUANCE OF LICENSE. On filing of the bond and
10 oath provided by Section 4.09 of this Act, the board shall certify
11 to the governor that the branch pilot has duly qualified to act as
12 a branch pilot, and on receiving this certification, the governor
13 shall issue to the branch pilot, in the name and under the state
14 seal [~~of-the-state~~], a commission to serve as a branch pilot from
15 the ports within the jurisdiction of the board, across intermediate
16 bars, to and from the open gulf.

17 SECTION 41. Section 4.06(a), Galveston County Pilots
18 Licensing and Regulatory Act (Article 8280b, Vernon's Texas Civil
19 Statutes), is amended to read as follows:

20 (a) On filing of the bond and oath provided by Section 4.09
21 of this Act, the board shall certify to the governor that the
22 branch pilot has duly qualified to act as a branch pilot, and on
23 receiving this certification, the governor shall issue to the
24 branch pilot, in the name and under the state seal [~~of-the-state~~],
25 a commission to serve as a branch pilot from the ports within the
26 jurisdiction of the board, across intermediate bars, to and from
27 the open gulf.

1 SECTION 42. Section 4.06(a), Brazoria County Pilots
2 Licensing and Regulatory Act (Article 8280c, Vernon's Texas Civil
3 Statutes), is amended to read as follows:

4 (a) On filing of the bond and oath provided by Section 4.09
5 of this Act, the board shall certify to the governor that the
6 branch pilot has qualified to act as a branch pilot, and on
7 receiving this certification, the governor shall issue to the
8 branch pilot, in the name and under the state seal [~~of the--state~~],
9 a commission to serve as a branch pilot from the ports within the
10 jurisdiction of the board, across intermediate bars, to and from
11 the open gulf.

12 SECTION 43. The following laws are repealed:

13 (1) Articles 6139, 6140, 6141, and 6142, Revised
14 Statutes;

15 (2) Chapter 87, General Laws, Acts of the 43rd
16 Legislature, Regular Session, 1933 (Article 6142a, Vernon's Texas
17 Civil Statutes);

18 (3) Chapter 77, Acts of the 54th Legislature, Regular
19 Session, 1955 (Article 6142b, Vernon's Texas Civil Statutes);

20 (4) Section 11.05, State Purchasing and General
21 Services Act (Article 601b, Vernon's Texas Civil Statutes); and

22 (5) Section 17.07, Business & Commerce Code.

23 SECTION 44. This Act applies only to a license issued under
24 Section 17.08, Business & Commerce Code, on or after the effective
25 date of this Act. A license issued before the effective date of
26 this Act is governed by the law in effect at the time the license
27 was issued, and that law is continued in effect for this purpose.

1 SECTION 45. The change in the designation of the Great Seal
2 of the State of Texas, the seal of the secretary of state, or any
3 other seal under this Act does not affect the validity of any
4 document signed or any other act performed under seal before the
5 effective date of this Act.

6 SECTION 46. The change in law made by Section 43 of this Act
7 does not apply to a civil action commenced before the effective
8 date of this Act. A civil action commenced before the effective
9 date of this Act is covered by the law in effect when the action
10 was commenced, and the former law is continued in effect for this
11 purpose.

12 SECTION 47. The repeal of Section 11.05, State Purchasing
13 and General Services Act (Article 601b, Vernon's Texas Civil
14 Statutes), does not affect the validity of a contract entered into
15 under that section before the effective date of this Act.

16 SECTION 48. (a) The change in law made by Section 43 of
17 this Act does not apply to the prosecution of an offense committed
18 before the effective date of this Act. For purposes of this
19 section, an offense is committed before the effective date of this
20 Act if any element of the offense occurs before that date.

21 (b) An offense committed before the effective date of this
22 Act is covered by the law in effect when the offense was committed,
23 and the former law is continued in effect for this purpose.

24 SECTION 49. Each board, commission, department, institution,
25 office, or other agency of the state government, including an
26 institution of higher education as defined by Section 61.003,
27 Education Code, shall use the state flags, staffs, and finials and

1 any item bearing the Great Seal of Texas it has on the effective
2 date of this Act until those items are unserviceable.

3 SECTION 50. The importance of this legislation and the
4 crowded condition of the calendars in both houses create an
5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

03/29/93

The Honorable Pete Laney
Speaker of the House of Representatives

(date)

Sir:

We, your COMMITTEE ON INTERNATIONAL AND CULTURAL RELATIONS

to whom was referred HB 1463 by Van de Putte have had the same under consideration and beg to report
(measure)

back with the recommendation that it

() do pass, without amendment.

() do pass, with amendment(s).

(x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (x) yes () no An author's fiscal statement was requested. () yes (x) no

A criminal justice policy impact statement was requested. () yes (x) no

An equalized educational funding impact statement was requested. () yes (x) no

An actuarial impact statement was requested. () yes (x) no

A water development policy impact statement was requested. () yes (x) no

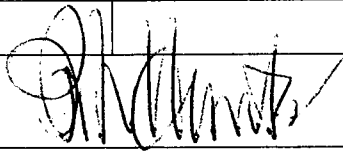
(x) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hunter, B., Ch.	x			
Rangel, V.C.	x			
Davis				x
Flores				x
Hill	x			
Hudson				x
Krusee	x			
Parra				x
Thompson, S.	x			
Van de Putte	x			
Willis				x

Total 6 aye
 0 nay
 0 present, not voting
 5 absent



 CHAIRMAN

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HOUSE COMMITTEE ON
INTERNATIONAL AND CULTURAL
RELATIONS

BILL ANALYSIS

C.S.H.B. 1463 By: Bob Hunter

H.B. 1463 By: Van de Putte

BACKGROUND:

The current law and resolutions concerning the state flag, state seal, and state song were adopted throughout this century and are in a state of disarray. The current laws do not specifically describe the state flag or seal and also conflict in minor detail with federal laws concerning flag etiquette.

PURPOSE:

To bring together the numerous laws and resolutions concerning the state flag, state seal, and related matters; specifically describe the state flag and seal; reconcile state flag etiquette with federal law and custom; standardize terminology; and repeal unenforced laws providing civil and criminal penalties for using the state flag in advertising and selling. The proposed Texas Flag Code preserves the state's public policy that the "state flag should not have placed on any part of it, or attached to it, any mark, insignia, letter, word, figure, design, picture, or drawing of any nature", however, like its federal counterpart, the proposed Texas Flag Code does not provide civil or criminal enforcement provisions. The Act does not repeal the current flag desecration law.

RULEMAKING AUTHORITY:

It is the opinion of the committee that this bill creates and delegates additional rulemaking authority to the Governor and the Secretary of State.

SECTION-BY-SECTION ANALYSIS:

SECTION 1. Enacts article 6139a describing the state flag. The new description in subsection b is a simplification of current TEX. REV. CIV. STAT. ANN. art. 6142a, §§ 2,4,5 (Vernon 1970) and is based on the original act adopting the Lone Star Flag. See Act approved Jan. 25, 1839, 3d Cong., R.S. § 3, 1838-1839 Repub. Tex. Laws 87, 88, reprinted in 2 H.P.N. GAMMEL, THE LAWS OF TEXAS 1822-1897, at 87, 88 (Austin, Gammel Book Co. 1898), repealed by Revised Statutes, 16th Leg., R.S., § 4, 1879 Tex. Rev. Civ. Stat. 718.

The new description in subsection d omits the ambiguous description of the colors for the flag's red and blue stripes as "blood red" and "azure blue", and stipulates that the red and blue colors of the state flag are the same colors used in the United States flag, the so-called "Old Glory Red" and "Old Glory Blue". The red and blue colors are specifically defined using *The Standard Color Reference of America*, which is a standard textile industry reference work. The term "azure blue" was first added to the flag's description in 1933, most probably in an attempt to describe the faded art of the Lone Star Flag that accompanied the 1839 flag act. Additional art from 1839, which has not suffered significant fading, shows three naval auxiliary flags also authorized by the 1839 flag act and demonstrates that the blue described in 1839 was intended to match the blue of the United States flag. Furthermore, flag manufacturers for economic reasons already use the same red and blue for the United States flag in manufacturing the state flag.

Subsection e provides that indoor state flags may be decorated with gold fringe and the flag's staff may bear gold cords and tassels. Subsection f provides that the flag's finial should be either a lone star or a spearhead; using a bald eagle finial is questionable since the state bird is the mockingbird. Subsection g allows the Governor to prescribe additional rules regarding the description of the state flag by executive order published in the *Texas Register*. Cf. Exec. Order No. 10,834, 3 C.F.R. 367 (1959-1963), reprinted in 4 U.S.C. § 1 (1988) (presidential executive order specifying design of the United States flag and regulations governing United States flags and union jacks manufactured or purchased for use by federal executive agencies).

SECTION 2. Enacts article 6139b describing the pledge of allegiance to the state flag. The text of the Texas pledge of allegiance is taken unchanged from current TEX. REV. CIV. STAT. ANN. art. 614a, § 3 (Vernon Supp. 1993). The provisions regarding conduct during the recital of the Texas pledge of allegiance derive from the federal law regarding the pledge of allegiance to the United States flag. See 36 U.S.C. § 172 (1988). The committee substitute changes "Men but not women, who are not in uniform should remove their headdress..." to "Individuals who are not in uniform that are wearing a headdress which is easily removable should remove their headdress..." to reflect the current interpretation of the federal law.

SECTION 3. Enacts article 6139c describing the Texas Flag Code derives from current TEX. REV. CIV. STAT. ANN. art. 6142a, § 6 (Vernon Supp. 1993) and the United States Flag Code, 36 U.S.C. §§ 173-178 (1988). The Texas Flag Code generally follows the language of its federal counterpart unless Texas Practice dictates otherwise, such as allowing the state flag to be dipped to the United States flag and not completely prohibiting the horizontal display of the flag. See Tex. H.R. Con. Res. 6, 34th Leg., R.S., 1915 Tex. Gen. Laws 276. Subsection m of section 3 incorporates the provisions of current TEX. REV. CIV. STAT. ANN. art. 6142b (Vernon 1970) enacted in 1955, which requires that the state flag occupy the position of honor when it is displayed in the state. The 1955 law fails to explicitly state, however, that it does not apply to a practice of the federal government which accords

3

the flag of another country or a federal department or agency a greater position of honor than the state flag, nor does the 1955 law forbid the flying of the state flag above the flag of another country, which would violate federal law and international custom. See 36 U.S.C. § 175(g) (1988). Of course, the Supremacy Clause mandates that federal law supersedes Texas Law. U.S. CONST. art. VI, cl. 2. A custom of the federal government not embodied in the law, regulation, or executive order would not supersede Texas law, but it seems unlikely that the federal practice would be challenged. Subsection m of section 3 specifically cures this problem. The committee substitute: (1) adds the word "normally" to section 3(a) so that it reads "The state flag normally should not be displayed outdoors earlier than sunrise or later than sunset."; (2) changes the phrase "flags of cities or localities or pennants of societies" in section 3(k) to "flags or pennants of municipalities, localities, organizations, or corporations"; (3) corrects a mistake in the description of the proper horizontal placement of the state flag in section 3(o) and rearranges the sentences in that section in a more logical manner, (4) changes the term "Advertising signs" in section 3(ee) to "advertisement" to avoid the implication that only rigid signs are prohibited; and (5) changes "When not in uniform, men, but not women, should remove their headdress..." to "When not in uniform, individuals that are wearing a headdress which is easily removable should remove their headdress..." to reflect the current interpretation of the federal law.

Section 4 of the Texas Flag Code allows the Governor to alter, modify, or repeal the rules regarding flag usage in section 3, or to prescribe additional rules regarding the display of the state flag by executive order published in the *Texas Register*. See 36 U.S.C. § 178 (1988). Section 5 of the Texas Flag Code prohibits governmental agencies or subdivisions from prohibiting the display of certain flags and prohibiting conduct allowed by the Texas Flag Code.

SECTION 4. Enacts article 6139d to allow the Governor to adopt a flag for the Governor's official use by executive order published in the *Texas Register*.

SECTION 5. Enacts article 6139d describing the state song. The state song was originally adopted in 1929. See Tex. S. Con. Res. 6, 41st Leg., 1st C.S., 1929 Tex. Gen. & Spec. Laws 286. Technically the adoption of the state song is not a law because it was passed as a concurrent resolution and not a bill. See TEX. CONST. art. III, § 30. The current designation of the state song is an expression of the legislature's will, but it does not have the effect of law. The 1929 concurrent resolution has been erroneously placed by West Publishing Company in *Vernon's Revised Civil Statutes of the State of Texas* as Revised Statutes article 6143b. See TEX. REV. CIV. STAT. ANN. art. 6143b (Vernon 1970). The Act does not repeal Vernon's Texas Civil Statutes article 6143b because this was never an act of the legislature. The committee substitute changes "When not in uniform, men but not women, should remove their headdress..." to "When not in uniform, individuals that are wearing a headdress which is easily removable should remove their headdress..." to reflect the current interpretation of the federal law.

SECTION 6. Enacts article 6139f describing the state seal, and state arms. The description of the state seal is in the constitution. TEX. CONST. art. IV, § 19. The description of the reverse of the state seal is in the 1991 concurrent resolution. Tex. S. Con. Res. 159, 72nd Leg., R.S., 1991 Tex Gen. Laws 3369. Technically the adoption of the reverse of the state seal is not law because it was passed as a concurrent resolution and not a bill. See TEX. CONST. art. III, § 30. The current designation of the reverse of the state seal is an expression of the legislature's will, but does not have the effect of law. The description of the state arms is based on the 1839 national arms that has been incorporated into the current state seal. "[T]he national arms of the Republic of Texas be, and the same is hereby declared to be a white star of five points, on an azure ground encircled by an olive and live oak branches." Act approved Jan 25, 1839, 3d Cong., R.S., § 1, 1838-1839 Repub. Tex. Laws 87, 87, *reprinted in* 2 H.P.N. GAMMEL, THE LAWS OF TEXAS 1822-1897, at 87, 87 (Austin, Gammel Book Co. 1898), *repealed by* Revised Statutes, 16th Leg., R.S., § 4, 1879 Tex. Rev. Civ. Stat. 718. The 1879 repeal was inadvertent as it was a general repeal accompanying the 1879 Revised Statutes, and the Revised Statutes failed to include a description of the state arms. The repealed 1839 law is also the only source for the azure background of the state seal because the 1839 national seal was described as bearing "the arms of this nation as declared by the first section of this act, and the letters "Republic of Texas."" Act approved Jan 25, 1839, 3d Cong., R.S., § 2, 1838-1839 Repub. Tex. Laws 87, 88, *reprinted in* 2 H.P.N. GAMMEL, THE LAWS OF TEXAS 1822-1897, at 87, 88 (Austin, Gammel Book Co. 1898), *repealed by* TEX. CONST. of 1845, art. XIII, § 3 (existing laws repugnant to United States Constitution and 1845 Texas Constitution not continued in force); *see also* TEX. CONST. of 1845, art. V, § 14 (description of state seal without designation of azure background). Section 6 also provides explicit authority to the Secretary of State to adopt standard art for the state seal, reverse of the state seal, and state arms.

SECTION 7. Conforms the flag provision of the Education Code to section 3 of the Act.

SECTION 8. Conforms section 17.08 of the Business and Commerce Code to section 6 of the Act and broadens the exemptions for commercial use of the state seal to include First Amendment activities. See TEX. BUS. & COM. CODE ANN. § 17.08 (Vernon 1987); Exec. Order No. 11,649, § 1, 3 C.F.R. 675, 675 (1971-1975), *amended by* Exec. Order No. 11,916, 3 C.F.R. 119 (1977) (exceptions to prohibition on use of presidential and vice presidential seals). The committee substitute omits the previous deletion of the second sentence in subsection 17.08(f) relating to the Secretary of State's examination of a licensee's records.

SECTION 9. Conforms section 9A of the State Aircraft Pooling Act to section 6 of the Act regarding use of the state seal on state aircraft. See State Aircraft Pooling Act, TEX. REV. CIV. STAT. ANN. art. 4413(34b), § 9A (Vernon Supp. 1993).

SECTIONs 10-42. Conforms various statutes that refer to the state seal or the Secretary of State's seal to section 6 of the Act. (Note: The Secretary of State has

no separate seal of office). The term "state seal" is used as opposed to other terms because the constitution refers to the seal as the "seal of the State" or the "State seal". The Texas Supreme Court also has defined the term "great seal" to mean the seal of a nation and not of a state. See *Phillips v. Lyons*, 1 Tex. 392, 394-95 (1846). The Texas Legislative Council has used the term "state seal" preferentially in recent nonsubstantive codifications. The term "state seal" is currently used in the following statutes: TEX. AGRIC. CODE ANN. § 252.051 (Vernon 1982); TEX. GOV'T CODE ANN. § 405.011 (Vernon 1990); TEX. GOV'T CODE ANN. § 405.017 (Vernon 1990); TEX. GOV'T CODE ANN. § 431.008 (Vernon 1990); TEX. PARKS & WILD. CODE ANN. § 21.013 (Vernon 1990); TEX. WATER CODE ANN. § 17.023 (Vernon 1988); TEX. REV. CIV. STAT. ANN. art. 4413(34b) (Vernon Supp. 1993); TEX. REV. CIV. STAT. ANN. art. 4413(501), § 3.31 (Vernon Supp. 1993); TEX. CODE CRIM. PRO. ANN. art. 51.13 (Vernon 1979).

SECTION 43. Subsections 2 and 3 repeal the current laws describing the state flag and its display, which are replaced by section 3 of the Act. Subsection 1 repeals current Revised Statutes articles 6139, 6140, 6141, and 6142 that derive from a World War I flag law. See Act approved Mar. 29, 1917, 35th Leg., R.S., ch. 123, 1917 Tex. Gen. Laws 320, amended by Act approved Oct. 16, 1917, 35th Leg., 3d C.S., ch. 22, 1917 Tex. Gen. Laws 81, *civil provisions repealed and codified by Revised Statutes*, 39th Leg., R.S., § 1 arts. 6139-6142, § 2, 1925 Tex. Rev. Civ. Stat. 2, 1747-48 (codification), 2419 (repealer) (current version of civil provisions at TEX. REV. CIV. STAT. ANN. arts. 6139-6142 (Vernon 1970), *criminal provisions repealed by Penal Code*, 63rd Leg., R.S., ch. 399, § 3(a), 1973 Tex. Gen. Laws 883, 991. The criminal provisions of the 1917 law were repealed in 1973 with the enactment of the Penal Code. See Seth S. Searcy III & James R. Patterson, *Practice Commentary*, TEX. PENAL CODE ANN. § 42.09 (Vernon 1989). The 1970 proposed revision of the Penal Code placed the civil provisions of the 1917 law, articles 6139 to 6142 of the Revised Statutes, on the list of statutes to be repealed, but the articles mysteriously were omitted from the list of statutes to be repealed by the 1973 Penal Code. TEX. PENAL CODE app. A, tbl. 3 (State Bar of Tex. Comm. on Revision of the Penal Code, Final Draft 1970); Searcy & Patterson, *supra*. Articles 6139 to 6142 authorize a private cause of action against a person who uses the state and national flags in an extremely broad category of possible conduct, including advertising that appears daily in newspapers and on billboards. The 1917 law is not enforced and is unconstitutional insofar as it restricts noncommercial speech. Section 3(cc) of the Texas Flag Code preserves the state's public policy that the "state flag should not have placed on any part of it, or attached to it, any mark, insignia, letter, word, figure, design, picture, or drawing of any nature"; however, like its federal counterpart, the Texas Flag Code does not provide civil or criminal enforcement provisions. The Act does not repeal the current flag desecration law. TEX. PENAL CODE ANN. § 42.14 (Vernon Supp. 1993).

Subsection 4 of section 43 repeals current section 17.07 of the Business and Commerce Code, which is a law concerning prohibitions against advertising that

dates from 1913. *See Act approved Aug. 19, 1913, 33rd Leg., 1st C.S., ch. 19, 1913 Tex. Gen. & Spec. Laws 28, repealed and codified by Penal Code and Code of Criminal Procedure, 39th Leg., R.S., § 1, arts. 150, 151, § 3 art. 1, 1925 Tex. Crim. Stat. 2, 31 (codification), 181 (repealer), repealed and recodified by Business & Commerce Code, 60th Leg., R.S. ch. 785, sec. 1, § 17.07, sec. 3(a), 1967 Tex. Gen. Laws 2324, 2583 (codification), 2619 (repealer) (current version at TEX. BUS. & COM. CODE ANN. § 17.07 (Vernon 1987)).* Like articles 6139 to 6142, section 17.07 is not enforced. The gift shop formerly located in the north wing of the Capitol sold numerous items that were technically illegal under section 17.07. Section 3(cc) of the Texas Flag Code preserves the state's public policy that the "state flag should not have placed on any part of it, or attached to it, any mark, insignia, letter, word, figure, design, picture, or drawing of any nature"; however, like its federal counterpart, the Texas Flag Code does not provide civil or criminal enforcement provisions. The Act does not repeal the current flag desecration law, TEX. PENAL CODE ANN. § 42.14 (Vernon Supp. 1993). The committee substitute repeals section 11.05 of the States Purchasing and General Services Act, which relates to the minting of a sesquicentennial state coin containing the state seal, as expired.

SECTION 44. Continues existing law for licenses issued under section 17.08 of the Business and Commerce Code before the effective date of the Act.

SECTION 45. Provides that the change in designation of the state seal has no retroactive effect.

SECTIONs 46-48. Continues existing law for criminal prosecutions and civil lawsuits in progress before the effective date of the Act. The committee substitute provides a transition provision for any contract relating to minting of sesquicentennial state coins made under section 11.05 of the State Purchasing and General Services Act.

SECTION 49. Mandates that the state spend no money to purchase new flags, staffs, finials, and items bearing the state seal until existing flags, staffs, finials, and items bearing the state seal wear out.

SECTION 50. Emergency Clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE:

The substitute changes the reference to persons, not in uniform, to individuals inclusive of not only men, but women, when describing proper procedure during the pledge of allegiance, during ceremonies involving the flag, and during the rendition of the state song. The substitute clarifies that the state flag should be displayed outdoors, normally not earlier than sunrise or later than sunset. The substitute expands the definitions of other types of flags and pennants which are displayed from staffs or on the same halyard with the state flag in relation to position. Additionally, it clarifies the procedure when the state flag is displayed horizontally, in a window, or vertically. The substitute changes the reference to advertising signs to include all advertisements when restricting that they not be fastened to a staff or halyard from where a state flag is displayed. The substitute also includes language clarifying the description of the state seal, and the facsimile seal of any state with regard to its legal effect. Finally, the substitute includes the stipulation that the repeal of Section 11.05 of the State Purchasing and General Services Act does not affect the validity of a contract entered into under that section before the effective date of the act.

SUMMARY OF COMMITTEE ACTION:

HB 1463 was heard in a Public Hearing on March 29, 1993. Representative Van de Putte presented her bill to the committee. The Chair laid out the committee substitute for HB 1463 and moved that it be adopted. There being no objection, the committee substitute for HB 1463 was adopted. The following person testified on the bill: Ms. Donna Darling, state employee - public information. The following person testified in favor of the bill: Mr. Charles Spain. Representative Thompson moved that HB 1463, as substituted, be favorably reported to the House with the recommendation that it do pass and be placed on the Local and Consent Calendars Committee. There being no objection, the motion prevailed by the following vote: Ayes (6), Nays (0), PNV (0) and Absent (5).

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**FISCAL NOTE
73rd Regular Session**

April 2, 1993

TO: Honorable Bob Hunter, Chair
Committee on International and Cultural Relations
House of Representatives
Austin, Texas

IN RE: Committee Substitute for
House Bill No. 1463

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 1463 (relating to the description and use of the state flag, the governor's flag, the state arms, and the state seal and to the adoption and rendition of the state song) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF, JOL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 26, 1993

TO: Honorable Bob Hunter, Chair
Committee on International and Cultural Relations
House of Representatives
Austin, Texas

IN RE: House Bill No. 1463
By: Van de Putte

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1463 (relating to the description and use of the state flag, the governor's flag, and the state seal and to the adoption and rendition of the state song) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF

ADOPTED

APR 15 1993

Boyd Murray
Chief Clerk
House of Representatives

By Van de Putte

H.B. No. 1463

Substitute the following for H.B. No. 1463:

By 

C.S.H.B. No. 1463

A BILL TO BE ENTITLED

AN ACT

1 relating to the description and use of the state flag, the
2 governor's flag, the state arms, and the state seal and to the
3 adoption and rendition of the state song.
4

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Title 106, Revised Statutes, is amended by adding
7 Article 6139a to read as follows:

8 Art. 6139a. DESCRIPTION OF THE STATE FLAG. (a) The state
9 flag is the 1839 national flag of the Republic of Texas.

10 (b) The state flag consists of a rectangle with a width to
11 length ratio of two to three containing:

12 (1) a blue vertical stripe one-third the entire length
13 of the flag wide, and two equal horizontal stripes, the upper
14 stripe white, the lower red, each two-thirds the entire length of
15 the flag long; and

16 (2) a white, regular five-pointed star in the center
17 of the blue stripe, oriented so that one point faces upward, and of
18 such a size that the diameter of a circle passing through the five
19 points of the star is equal to three-fourths the width of the blue
20 stripe.

21 (c) The red, white, and blue of the state flag stand,
22 respectively, for bravery, purity, and loyalty.

23 (d) The red and blue colors of the state flag are the same
24 colors used in the United States flag and are defined as numbers

1 80108 (red) and 80075 (dark blue) of The Standard Color Reference
2 of America, 10th edition.

3 (e) When displayed permanently mounted on a staff, as for
4 indoor or parade use, the state flag may be decorated with gold
5 fringe and its staff with gold cords and tassels.

6 (f) When the state flag is displayed on a staff, the staff
7 should be at least 2-1/2 times as long as the flag's hoist, and the
8 state flag should be attached to the staff's peak. The staff's
9 finial should be either a lone star or a spearhead.

10 (g) The governor may prescribe additional rules with respect
11 to the description of the state flag. The governor shall set forth
12 any alterations or additional rules in an executive order published
13 in the Texas Register.

14 SECTION 2. Title 106, Revised Statutes, is amended by adding
15 Article 6139b to read as follows:

16 Art. 6139b. PLEDGE OF ALLEGIANCE TO THE STATE FLAG. (a)
17 The pledge of allegiance to the state flag is, "Honor the Texas
18 flag; I pledge allegiance to thee, Texas, one and indivisible."

19 (b) The pledge of allegiance to the state flag should be
20 rendered by all present except those in uniform by standing at
21 attention facing the flag with the right hand over the heart.
22 Individuals who are not in uniform and who are wearing a headdress
23 that is easily removeable should remove their headdress with their
24 right hand and hold it at the left shoulder, with the hand over the
25 heart. Individuals in uniform should remain silent, face the flag,
26 and render the military salute.

27 (c) The pledge of allegiance to the state flag may be

1 recited at all public and private meetings at which the pledge of
2 allegiance to the United States flag is recited and at state
3 historical events and celebrations.

4 (d) The pledge of allegiance to the state flag should be
5 recited after the pledge of allegiance to the United States flag if
6 both are recited.

7 SECTION 3. Title 106, Revised Statutes, is amended by adding
8 Article 6139c to read as follows:

9 Art. 6139c. TEXAS FLAG CODE

10 Sec. 1. This article may be cited as the Texas Flag Code.

11 Sec. 2. The rules set out by Section 3 of this article
12 govern the use of the state flag in this state.

13 Sec. 3. (a) The state flag normally should not be displayed
14 outdoors earlier than sunrise or later than sunset. However, when
15 a patriotic effect is desired, the state flag may be displayed 24
16 hours a day if properly illuminated during the hours of darkness or
17 may be displayed under the same circumstances as the United States
18 flag may be displayed.

19 (b) The state flag should be hoisted briskly and lowered
20 ceremoniously.

21 (c) The state flag should not be displayed on days when the
22 weather is inclement unless a weatherproof flag is displayed.

23 (d) The state flag should be displayed on all state holidays
24 and on special occasions of historical significance. Texas Flag
25 Day shall be celebrated on March 2, Texas Independence Day.

26 (e) The state flag should be displayed daily on or near the
27 main administration building of every state institution.

1 (f) The state flag, when carried in a procession with
2 another flag or flags except the United States flag, should be
3 either on the marching right, that is, the state flag's right, or,
4 if there is a line of other flags, in front of the center of that
5 line. When the state flag is carried in a procession in which the
6 United States flag is carried, the United States flag should be on
7 the marching right, that is, the United States flag's right, and
8 the state flag should be on the United States flag's left.

9 (g) The state flag should not be displayed on a float in a
10 parade except from a staff or as provided in Subsection (o) of this
11 section.

12 (h) The state flag should not be draped over the hood, top,
13 side, or back of any vehicle, railroad train, boat, or aircraft.
14 When the state flag is displayed on a motor vehicle, the staff
15 should be fixed firmly to the chassis or clamped to the right
16 fender. If the United States flag is also displayed, its staff
17 should be clamped to the right fender, and the state flag's staff
18 should be clamped to the left fender.

19 (i) No flag or pennant other than the United States flag
20 should be placed above or, if on the same level, to the state
21 flag's right, that is, the observer's left. When the state and
22 United States flags are displayed at the same time, they should be
23 flown on flagpoles of the same height, and the flags should be of
24 approximately equal size. The United States flag should be
25 displayed to the United States flag's right, that is, the
26 observer's left. However, when it is necessary for the state and
27 United States flags to be flown from the same flagpole, the state

1 flag should be displayed underneath the United States flag. When
2 the state flag is displayed on a separate flagpole from the United
3 States flag, the state flag should be hoisted after the United
4 States flag is hoisted and lowered before the United States flag is
5 lowered.

6 (j) When the state flag is displayed with another flag,
7 other than the United States flag, against a wall from crossed
8 staffs, the state flag should be on the state flag's right, that
9 is, the observer's left, and its staff should be in front of the
10 staff of the other flag. When the state and United States flags
11 are displayed against a wall from crossed staffs, the state flag
12 should be on the United States flag's left, that is, the observer's
13 right, and behind the staff of the United States flag.

14 (k) The state flag should be at the center and at the
15 highest point of a group when a number of flags or pennants of
16 municipalities, localities, organizations, or corporations are
17 grouped and displayed from staffs.

18 (l) When flags or pennants of municipalities, localities,
19 organizations, or corporations are flown on the same halyard with
20 the state flag, the latter should always be at the peak. When the
21 flags are flown from adjacent staffs, the state flag should be
22 hoisted first and lowered last. Those flags or pennants may not be
23 placed above the state flag or to the state flag's right, that is,
24 the observer's left.

25 (m) When the state flag is displayed with the flags of other
26 states of the United States, nations other than the United States,
27 and international organizations, the state flag should be displayed

1 on the state flag's right, that is, the observer's left, on a
2 separate flagpole or staff. This subsection does not apply to the
3 United States or any agency of the United States, including the
4 armed services, when federal law, custom, or practice dictates
5 otherwise. The state flag should not be displayed above the flags
6 of other states of the United States, nations, and international
7 organizations on the same flagpole, and the state flag should not
8 be displayed from a higher flagpole or staff.

9 (n) When the state flag is displayed from a staff projecting
10 horizontally or at an angle from a windowsill, balcony, or front of
11 a building, the top of the flag should be placed at the peak of the
12 staff unless the flag is at half-staff. When the state flag is
13 suspended over a sidewalk from a rope extending from a house to a
14 pole at the edge of the sidewalk, the flag should be hoisted out,
15 white stripe first, from the building.

16 (o) When the state flag is displayed horizontally, the white
17 stripe should be uppermost and to the state flag's left, that is,
18 to the observer's right. When displayed in a window, the state
19 flag should be displayed in the same way, with the blue stripe to
20 the left of an observer who is outside the window. When the state
21 flag is displayed vertically, the blue stripe should be uppermost
22 and the white stripe should be to the state flag's right, that is,
23 to the observer's left.

24 (p) When the state flag is displayed over the middle of a
25 street, it should be suspended vertically with the blue stripe
26 uppermost and the white stripe to the north in an east and west
27 street, or with the white stripe to the east in a north and south

1 street.

2 (q) When used on a speaker's platform, the state flag, if
3 displayed flat, should be displayed above and behind the speaker.
4 If both the state and United States flags are displayed on a
5 speaker's platform at the same time, the state flag should be on
6 the state flag's left, that is, the observer's right, while the
7 United States flag should be on the United States flag's right,
8 that is, the observer's left.

9 (r) The state flag should form a distinctive feature of the
10 ceremony of unveiling a statue or monument, but it should never be
11 used as the covering for the statue or monument.

12 (s) The state flag, when flown at half-staff, should be
13 first hoisted to the peak of the flagpole for an instant and then
14 lowered to the half-staff position. The state flag should be again
15 raised to the peak before it is lowered for the day. On Memorial
16 Day the state flag should be displayed at half-staff until noon
17 only, then raised to the peak of the flagpole. By order of the
18 governor, the state flag shall be flown at half-staff on the death
19 of an individual as a mark of respect to the individual's memory.

20 (t) When the state flag is used to cover a casket, it should
21 be so placed that the blue stripe is at the head and the white
22 stripe is over the left shoulder, that is, the observer's right.
23 The state flag should not be lowered into the grave or allowed to
24 touch the ground.

25 (u) When the state flag is suspended across a corridor or
26 lobby in a building with only one main entrance, it should be
27 suspended vertically with the white stripe of the flag to the

1 observer's left on entering. If the building has more than one
2 main entrance, the state flag should be suspended vertically near
3 the center of the corridor or lobby with the white stripe to the
4 north, when entrances are to the east and west, or to the east,
5 when entrances are to the north and south. If there are entrances
6 in more than two directions, the white stripe should be to the
7 east.

8 (v) The state flag should not be dipped to any person or
9 thing except as a mark of honor for the United States flag.

10 (w) When the state flag is displayed from a flagpole or
11 staff, the white stripe should always be at the top of the flag,
12 except as a signal of dire distress in instances of extreme danger
13 to life or property.

14 (x) The state flag should not touch anything beneath it,
15 such as the ground or the floor, and should not trail in water.

16 (y) The state flag should, when practicable, not be carried
17 flat or horizontally, but aloft and free.

18 (z) The state flag should not be used as bedding or drapery.
19 It should not be festooned, drawn back, or up, in folds, but always
20 allowed to fall free. Bunting of blue, white, and red, always
21 arranged with the blue above, the white in the middle, and the red
22 below, should be used instead of the state flag for covering a
23 speaker's desk, for draping the front of a platform, and for
24 decoration in general.

25 (aa) The state flag should not be fastened, displayed, used,
26 or stored in a manner that it can be easily torn, soiled, or
27 damaged in any way.

1 (bb) The state flag should not be used as a covering for a
2 ceiling.

3 (cc) The state flag should not have placed on any part of
4 it, or attached to it, any mark, insignia, letter, word, figure,
5 design, picture, or drawing of any nature.

6 (dd) The state flag should not be used as a receptacle for
7 receiving, holding, carrying, or delivering anything.

8 (ee) Advertisements should not be fastened to a staff or
9 halyard from which the state flag is flown.

10 (ff) The state flag, when it is in such a condition that it
11 is no longer a fitting emblem for display, should be destroyed in a
12 dignified way, preferably by burning.

13 (gg) During the ceremony of hoisting or lowering the state
14 flag or when the state flag is passing in a parade or in review,
15 all individuals present except those in uniform should face the
16 state flag and stand at attention with the right hand over the
17 heart. Those present in uniform should render the military salute.
18 When not in uniform, individuals who are wearing a headdress that
19 is easily removeable should remove their headdress with their right
20 hand and hold it at the left shoulder, with the hand over the
21 heart. Individuals who are not citizens of this state should stand
22 at attention. The salute to the state flag in a moving column
23 should be rendered at the moment the state flag passes.

24 Sec. 4. The governor may alter, modify, or repeal any rule
25 relating to the display of the state flag set forth in Section 3 or
26 may prescribe additional rules with respect to the display of the
27 state flag. The governor shall set forth any alterations or

1 additional rules in an executive order published in the Texas
2 Register.

3 Sec. 5. (a) A governmental subdivision or agency may not
4 enact or enforce a law that prohibits:

5 (1) the display of a municipal flag, the state flag,
6 the flag of another state of the United States, the United States
7 flag, or the flag of a nation other than the United States; or

8 (2) any conduct covered by this article.

9 (b) This section does not apply to an action by a
10 governmental subdivision or agency to enact or enforce a law
11 established to protect the public health and safety.

12 SECTION 4. Title 106, Revised Statutes, is amended by adding
13 Article 6139d to read as follows:

14 Art. 6139d. FLAG OF THE GOVERNOR. The governor may adopt a
15 flag for the governor's official use. The governor shall set forth
16 the description of the flag in an executive order published in the
17 Texas Register.

18 SECTION 5. Title 106, Revised Statutes, is amended by adding
19 Article 6139e to read as follows:

20 Art. 6139e. STATE SONG. (a) The state song is "Texas, Our
21 Texas" by William J. Marsh and Gladys Yoakum Wright:

22 Texas, our Texas! All hail the mighty State!

23 Texas, our Texas! So wonderful so great!

24 Boldest and grandest, Withstanding ev'ry test;

25 O Empire wide and glorious, You stand supremely blest.

26 Refrain

27 God bless you Texas! And keep you brave and strong,

1 That you may grow in power and worth, Thro'out the
2 ages long.

3 Texas, O Texas! Your freeborn single star,
4 Sends out its radiance to nations near and far.
5 Emblem of freedom! It sets our hearts aglow,
6 With thoughts of San Jacinto and glorious Alamo.

7 Refrain

8 Texas, dear Texas! From tyrant grip now free,
9 Shines forth in splendor your star of destiny!
10 Mother of heroes! We come your children true,
11 Proclaiming our allegiance, our faith, our love for you.

12 Refrain

13 (b) During the rendition of the state song when the state
14 flag is displayed, all individuals present except those in uniform
15 should stand at attention facing the state flag with the right hand
16 over the heart. Those present in uniform should render the
17 military salute at the first note of the state song and retain this
18 position until the last note. When not in uniform, individuals who
19 are wearing a headdress that is easily removeable should remove
20 their headdress with their right hand and hold it at the left
21 shoulder, with the hand over the heart. Individuals who are not
22 citizens of this state should stand at attention.

23 (c) When the state flag is not displayed, those present
24 should face toward the music and act in the same manner as they
25 would if the state flag were displayed there.

26 (d) The state song should be rendered after the national
27 anthem if both are rendered.

1 SECTION 6. Title 106, Revised Statutes, is amended by adding
2 Article 6139f to read as follows:

3 Art. 6139f. STATE SEAL; STATE ARMS. (a) The state seal is
4 as provided by Article IV, Section 19, of the Texas Constitution.

5 (b) The reverse of the state seal contains a shield,
6 displaying a depiction of the Alamo, the cannon of the Battle of
7 Gonzales, and Vince's Bridge. The shield is encircled by live oak
8 and olive branches, and the unfurled flags of the Kingdom of
9 France, the Kingdom of Spain, the United Mexican States, the
10 Republic of Texas, the Confederate States of America, and the
11 United States of America. Above the shield is emblazoned the
12 motto, "REMEMBER THE ALAMO," and beneath it are the words, "TEXAS
13 ONE AND INDIVISIBLE," with a white five-pointed star hanging over
14 the shield, centered between the flags.

15 (c) The state arms are a white star of five points, on an
16 azure ground, encircled by olive and live oak branches.

17 (d) The secretary of state, by rule, shall adopt standard
18 designs for the state seal, the reverse of the state seal, and the
19 state arms.

20 (e) A law that requires the use of the state seal does not
21 require the use of the state arms or the reverse of the state seal.

22 SECTION 7. Section 2.02, Education Code, is amended to read
23 as follows:

24 Sec. 2.02. THE FLYING OF THE STATE FLAG. On all regular
25 school days, every school and other educational institution covered
26 by this code shall fly the state [Texas] flag in accordance with
27 the Texas Flag Code, Article 6139c, Revised Statutes [general-rules

1 ~~governing-its-use~~].

2 SECTION 8. Section 17.08, Business & Commerce Code, is
3 amended to read as follows:

4 Sec. 17.08. PRIVATE USE OF STATE [GREAT] SEAL [OF-TEXAS].

5 (a) In this section:

6 (1) "Commercial purpose" means a purpose that is
7 intended to result in a profit or other tangible benefit but does
8 not include:

9 (A) [an] official use of the state seal or a
10 representation of the state seal in a state function;

11 (B) [or-the] use of the state seal [Great--Seal
12 of--Texas] or a representation of the state seal [Great-Seal-of
13 Texas] for a political purpose by an elected official of this
14 state;

15 (C) use of the state seal or a representation of
16 the state seal in an encyclopedia, dictionary, book, journal,
17 pamphlet, periodical, magazine, or newspaper incident to a
18 description or history of seals, coats of arms, heraldry, or this
19 state;

20 (D) use of the state seal or a representation of
21 the state seal in a library, museum, or educational facility
22 incident to descriptions or exhibits relating to seals, coats of
23 arms, heraldry, or this state;

24 (E) use of the state seal or a representation of
25 the state seal in a theatrical, motion-picture, television, or
26 similar production for a historical, educational, or newsworthy
27 purpose; or

1 (F) use of the state seal or a representation of
2 the state seal for another historical, educational, or newsworthy
3 purpose if authorized in writing by the secretary of state.

4 (2) "Representation of the state seal [~~Great-Seal-of~~
5 ~~Texas~~]" includes a nonexact representation that the secretary of
6 state determines is deceptively similar to the state seal. [~~Great~~
7 ~~Seal-of-Texas~~]

8 (3) "Official use" means the use of the state seal
9 [~~Great--Seal--of--Texas~~] by an officer or employee of this state in
10 performing a state function. [~~↑~~]

11 (4) "State function" means a state governmental
12 activity authorized or required by law.

13 (5) "State seal" means the state seal, the reverse of
14 the state seal, and the state arms as defined by Article 6139f,
15 Revised Statutes.

16 (b) Except as otherwise provided by this section, a person
17 may not use a representation of the state seal [~~Great--Seal--of~~
18 ~~Texas~~]:

19 (1) to advertise or publicize tangible personal
20 property or a commercial undertaking; or

21 (2) for another commercial purpose.

22 (c) A person may use a representation of the state seal
23 [~~Great--Seal--of--Texas~~] for a commercial purpose if the person
24 obtains a license from the secretary of state for that use. The
25 secretary of state, under the authority vested in the secretary as
26 custodian of the seal under Article IV, Section 19, of the Texas
27 Constitution, shall issue a license to a person who applies for a

1 license on a form provided by the secretary of state and who pays
2 the fees required under this section if the secretary of state
3 determines that the use is in the best interests of the state and
4 not detrimental to the image of the state. A license issued under
5 this section expires one year after the date of issuance and may be
6 renewed.

7 (d) The secretary of state shall adopt rules relating to the
8 use of the state seal [~~Great-Seal-of-Texas~~] by a person licensed
9 under this section. The secretary of state shall adopt the rules
10 in the manner provided by the Administrative Procedure and Texas
11 Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

12 (e) The application fee for a license under this section is
13 \$35. The license fee for an original or renewal license is \$250.
14 In addition to those fees, each licensee shall pay an amount equal
15 to three percent of the licensee's annual gross receipts related to
16 the licensed use in excess of \$5,000 to the state as a royalty fee.

17 (f) A person licensed under this section shall maintain
18 records relating to the licensee's use of the state seal [~~Great~~
19 ~~Seal-of-Texas~~] in the manner required by the rules of the secretary
20 of state. The secretary of state may examine the records during
21 reasonable business hours to determine the licensee's compliance
22 with this section. Each licensee shall display the license in a
23 conspicuous manner in the licensee's office or place of business.

24 (g) The secretary of state may suspend or revoke a license
25 issued under this section for failure to comply with this section
26 or the rules adopted under this section. The secretary of state
27 may bring a civil action to enjoin a violation of this section or

1 the rules adopted under this section.

2 (h) A person who reproduces an official document bearing the
3 state seal [~~Great-Seal-of-Texas~~] does not violate Subsection (b) of
4 this section if the document is:

5 (1) reproduced in complete form; and

6 (2) used for a purpose related to the purpose for
7 which the document was issued by the state.

8 (i) A person who violates a provision of Subsection (b) of
9 this section commits an offense. An offense under this section is
10 a Class C misdemeanor.

11 (j) A person who violates Subsection (b) of this section
12 commits a separate offense each day that the person violates a
13 provision of that subsection.

14 SECTION 9. Sections 9A(a) and (b), State Aircraft Pooling
15 Act (Article 4413(34b), Vernon's Texas Civil Statutes), are amended
16 to read as follows:

17 (a) Except as provided by Subsection (c) of this section,
18 all aircraft owned or leased by the state shall be marked:

19 (1) with the [~~Texas~~] state seal on each side of the
20 aircraft's vertical stabilizer; and

21 (2) with the words "The State of Texas" on each side
22 of the aircraft's fuselage.

23 (b) The board shall, consistent with federal regulations and
24 Article 6139f, Revised Statutes, and its subsequent amendments,
25 adopt rules governing the color, size, and location of marks of
26 identification required by this section.

27 SECTION 10. Section 30, The Securities Act (Article 581-30,

1 Vernon's Texas Civil Statutes), is amended to read as follows:

2 Sec. 30. CERTIFIED COPIES OF PAPERS FILED WITH COMMISSIONER
3 AS EVIDENCE. Copies of all papers, instruments, or documents filed
4 in the office of the Commissioner, certified by the Commissioner,
5 shall be admitted to be read in evidence in all courts of law and
6 elsewhere in this state in all cases where the original would be
7 admitted in evidence; provided, that in any proceeding in the court
8 having jurisdiction, the court may, on cause shown, require the
9 production of the originals.

10 The Commissioner shall assume custody of all records of the
11 Securities Divisions within the offices of the Secretary of State
12 and of the Board of Insurance Commissioners, and henceforth these
13 prior records shall be proven under certificate of the
14 Commissioner.

15 In any prosecution, action, suit or proceeding before any of
16 the several courts of this state based upon or arising out of or
17 under the provisions of this Act, a certificate under the state
18 seal [~~of--the--state~~], duly signed by the Commissioner, showing
19 compliance or non-compliance with the provisions of this Act
20 respecting compliance or non-compliance with the provisions of this
21 Act by any dealer or salesman, shall constitute prima facie
22 evidence of such compliance or of such non-compliance with the
23 provisions of this Act, as the case may be, and shall be admissible
24 in evidence in any action at law or in equity to enforce the
25 provisions of this Act.

26 SECTION 11. Section 3, Texas Uniform Facsimile Signature of
27 Public Officials Act (Article 717j-1, Vernon's Texas Civil

1 Statutes), is amended to read as follows:

2 Sec. 3. FACSIMILE SEAL. When the state seal [~~of--this~~
3 ~~state~~], the seal of any of the state's [~~its~~] political
4 subdivisions, or the seal of any department, agency, or other
5 instrumentality of this state or its political subdivisions is
6 required in the execution, authentication, certification, or
7 endorsement of a public security, eligible contract, instrument of
8 payment or certificate of assessment, the authorized officer may
9 cause the seal to be printed, engraved, lithographed, stamped, or
10 otherwise placed in facsimile thereon. The facsimile seal has the
11 same legal effect as the impression of the seal.

12 SECTION 12. Section 4.058, Public Facility Corporation Act
13 (Article 717s, Revised Statutes), is amended to read as follows:

14 Sec. 4.058. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
15 following documents shall be received by a court, public office, or
16 official body as prima facie evidence of the facts, or the
17 existence or nonexistence of the facts, stated in the document:

18 (1) a certificate issued by the secretary of state
19 under this article;

20 (2) a copy, certified by the secretary of state, of a
21 document filed in the office of the secretary of state under this
22 article; and

23 (3) a certificate of the secretary of state under the
24 state seal [~~Great--Seal--of--Texas~~] as to the existence or
25 nonexistence of a fact relating to a corporation that would not
26 appear from a document or certificate under Subdivision (1) or (2)
27 of this section.

1 SECTION 13. Section 9.06, Texas Non-Profit Corporation Act
2 (Article 1396-9.06, Vernon's Texas Civil Statutes), is amended to
3 read as follows:

4 Sec. 9.06. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED
5 IN EVIDENCE. A. All certificates issued by the Secretary of State
6 in accordance with the provisions of this Act, and all copies of
7 documents filed in his office, in accordance with the provisions of
8 this Act when certified by him, shall be taken and received in all
9 courts, public offices, and official bodies as prima facie evidence
10 of the facts therein stated and may be officially recorded. A
11 certificate by the Secretary of State under the state [~~great~~] seal
12 [~~of-this-State~~], as to the existence or non-existence of the facts
13 relating to corporations which would not appear from a certified
14 copy of any of the foregoing documents or certificates shall be
15 taken and received in all courts, public offices, and official
16 bodies as prima facie evidence of the existence or non-existence of
17 the facts therein stated.

18 SECTION 14. Section 8, Electric Cooperative Corporation Act
19 (Article 1528b, Vernon's Texas Civil Statutes), is amended to read
20 as follows:

21 Sec. 8. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
22 INCORPORATION. When the incorporators of any corporation shall
23 furnish satisfactory evidence to the Secretary of State of a
24 compliance with the provisions of this Act, said officer shall
25 receive, file, and record the articles of incorporation of such
26 corporation in his office, upon application and payment of all fees
27 therefor, and give a certificate showing the recording of such

1 articles and authority to do business thereunder. The articles
2 shall thereupon be filed in the office of the Secretary of State,
3 who shall record same at length in a book to be kept for that
4 purpose, and retain the original on file in his office. A copy of
5 the articles, or of the record thereof, certified under the state
6 seal [~~Great--Seal-of-the-State~~], shall be evidence of the creation
7 of the corporation. The existence of the corporation shall date
8 from the filing of the articles in the office of the Secretary of
9 State. The certificate of the Secretary of State shall be evidence
10 of such filing.

11 SECTION 15. Section 7, Telephone Cooperative Act (Article
12 1528c, Vernon's Texas Civil Statutes), is amended to read as
13 follows:

14 Sec. 7. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
15 INCORPORATION. When the incorporators of any corporation shall
16 furnish satisfactory evidence to the Secretary of State of a
17 compliance with the provisions of this Act, said officer shall
18 receive, file, and record the articles of incorporation of such
19 corporation in his office, upon application and payment of all fees
20 therefor, and give a certificate showing the recording of such
21 articles and authority to do business thereunder. The articles
22 shall thereupon be filed in the office of the Secretary of State,
23 who shall record same at length in a book to be kept for that
24 purpose, and retain the original on file in his office. A copy of
25 the articles, or of the record thereof, certified under the state
26 seal [~~Great--Seal-of-the-State~~], shall be evidence of the creation
27 of the corporation. The existence of the corporation shall date

1 from the filing of the articles in the office of the Secretary of
2 State. The certificate of the Secretary of State shall be evidence
3 of such filing.

4 SECTION 16. Section 1, Chapter 65, Acts of the 43rd
5 Legislature, 2nd Called Session, 1934 (Article 2606a, Vernon's
6 Texas Civil Statutes), is amended to read as follows:

7 Sec. 1. The Governor of the State of Texas is hereby
8 authorized to have printed manuscript bonds of the State of Texas
9 in convenient denominations to be determined by him for the purpose
10 of refunding the principal of the bonds hereinafter mentioned.
11 Said bonds shall be designated "State of Texas Refunding Bonds,
12 Issue of 1934." Said bonds shall be numbered and dated as
13 hereinafter indicated and shall bear the rate of interest
14 hereinafter fixed, and shall become due and payable on the dates
15 hereinafter shown. Interest paying dates on the various bonds
16 authorized herein shall be fixed as hereinafter indicated. The
17 form of such bonds shall be prepared by the Attorney General. Each
18 of them shall be signed by the Governor and the Treasurer of the
19 State of Texas and countersigned and registered by the Comptroller,
20 and shall have the state seal [~~of Texas~~] affixed thereto.

21 SECTION 17. Article 4012, Revised Statutes, is amended to
22 read as follows:

23 Art. 4012. EVIDENCE OF AUTHORITY. Any veteran of any of the
24 wars mentioned in this title, their wives, widows or members of
25 their families, and any minister of religion, or any fireman,
26 sister of charity or member of any religious society of like
27 character, who desires to receive the benefits of free or reduced

1 transportation as mentioned in this title shall present to the
2 president, manager, officer, or person authorized to issue such
3 transportation satisfactory evidence that he or she is entitled
4 thereto, as herein provided. The officers entitled to the benefits
5 of this law shall, when presenting themselves to the agent of any
6 such railway or interurban railway company for the purchase of a
7 ticket or to pay his fare, exhibit to such agent in case of the
8 Adjutant General and State Rangers a certificate of the Secretary
9 of State under the state seal, in case of sheriffs and constables
10 and their deputies a certificate under seal of the county judge of
11 the county where they hold office and in case of officers of a city
12 or town a certificate under seal of the mayor of such city or town
13 stating that such person is entitled to the reduced fare herein
14 provided for. Sheriffs and constables shall designate in writing
15 the two deputies entitled to the reduced rates herein provided for.
16 If the sheriff or constable has designated two deputies who are
17 entitled to such reduced rates, then no deputy of such sheriff or
18 constable shall be entitled to free transportation under the
19 provisions of the pass laws of this State.

20 SECTION 18. Section 5, Chapter 94, Acts of the 51st
21 Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas
22 Civil Statutes), is amended to read as follows:

23 Sec. 5. The Board shall preserve a record of its proceedings
24 in a book kept for that purpose, showing name, age, place, and
25 duration of residence of each applicant, the time spent in the
26 study of chiropractic in respective chiropractic schools, together
27 with such other information as the Board may desire to record.

1 Said register shall also show whether applicants were rejected or
2 licensed and shall be prima-facie evidence of all matters contained
3 therein. The secretary of the Board shall on May 1st of each year
4 transmit an official copy of said register to the Secretary of
5 State for permanent record, a certified copy of which, with hand
6 and seal of the secretary of said Board or the hand of the
7 Secretary of State under the state seal, shall be admitted in
8 evidence in all courts.

9 SECTION 19. Subdivision (2), Subsection E, Section 2,
10 Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953
11 (Article 4582b, Vernon's Texas Civil Statutes), is amended to read
12 as follows:

13 (2) The commission shall file annually with the
14 Governor a list of the names of all duly licensed funeral
15 directors, embalmers, and funeral establishments. A copy shall be
16 filed with the Secretary of State for permanent record, a certified
17 copy of which, under the hand [~~and-seal~~] of the Secretary of State
18 and the state seal, shall be admissible as evidence in all courts.

19 SECTION 20. Section 5, Chapter 104, Acts of the 48th
20 Legislature, Regular Session, 1943 (Article 5154a, Vernon's Texas
21 Civil Statutes), is amended to read as follows:

22 Sec. 5. ORGANIZERS. All labor union organizers operating in
23 the State of Texas shall be required to file with the Secretary of
24 State, before soliciting any members for his organization, a
25 written request by United States mail, or shall apply in person for
26 an organizer's card, stating (a) his name in full; (b) his labor
27 union affiliations, if any; (c) describing his credentials and

1 attaching thereto a copy thereof, which application shall be signed
2 by him. Upon such applications being filed, the Secretary of State
3 shall issue to the applicant a card on which shall appear the
4 following: (1) the applicant's name; (2) his union affiliation;
5 (3) a space for his personal signature; (4) a designation, "labor
6 organizer"; and, (5) the signature of the Secretary of State, dated
7 and attested by the state [~~his~~] seal [~~of-office~~]. Such organizer
8 shall at all times, when soliciting members, carry such card, and
9 shall exhibit the same when requested to do so by a person being so
10 solicited for membership.

11 SECTION 21. Section 7(a), Chapter 111, Acts of the 61st
12 Legislature, Regular Session, 1969 (Article 6144h, Vernon's Texas
13 Civil Statutes), is amended to read as follows:

14 (a) The decoration shall display the state seal [~~Great-Seal~~
15 ~~of-the-State-of-Texas~~] with the words "Distinguished Service Medal"
16 engraved in a circle thereon, and shall be suspended from a bar of
17 red, white, and blue.

18 SECTION 22. Article 6265, Revised Statutes, is amended to
19 read as follows:

20 Art. 6265. BEGINNING OF EXISTENCE. The existence of such
21 corporation shall date from the filing of the articles of
22 incorporation in the office of the Secretary of State, and the
23 certificate of the Secretary of State under the state seal [~~of-the~~
24 ~~State~~], shall be evidence of such filing.

25 SECTION 23. Article 6528, Revised Statutes, is amended to
26 read as follows:

27 Art. 6528. REGISTERING BONDS. When such bonds shall be

1 presented to the Secretary of State with said direction to
2 register, he shall register said bonds by entering a description
3 thereof in a book to be kept for that purpose, which shall show the
4 date, number, amount, when due, the rate of interest on each bond,
5 and also the date when the same is registered. The Secretary of
6 State shall indorse on each bond, under the state seal [~~of-his~~
7 ~~office~~] and his official signature, together with the date thereof,
8 as follows: "This bond is registered under the direction of the
9 Railroad Commission of Texas." Provided, however, that at the
10 direction of the Secretary of State the state [~~his-said~~] seal may
11 be a facsimile seal in lieu of the [~~his~~] manually impressed state
12 seal and his said signature may be his facsimile signature in lieu
13 of his manual signature. No bond or other evidence of debt,
14 hereafter issued by or under the authority of any person, firm,
15 corporation, court, or railroad company, whereby a lien is created
16 on its franchise or property situated in this State, shall be valid
17 or have any force until the same has been registered as required
18 herein.

19 SECTION 24. Section 201.048(d), Agriculture Code, is amended
20 to read as follows:

21 (d) The secretary of state shall make and issue to the
22 directors a certificate, under the state seal [~~of-this--state~~], of
23 the due organization of the conservation district. The secretary
24 shall record the certificate with the application and statement.

25 SECTION 25. Article 9.05, Texas Business Corporation Act, is
26 amended to read as follows:

27 Art. 9.05. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED

1 IN EVIDENCE. A. All certificates issued by the Secretary of State
2 in accordance with the provisions of this Act, and all copies of
3 documents filed in his office in accordance with the provisions of
4 this Act, when certified by him, shall be taken and received in all
5 courts, public offices, and official bodies as prima facie evidence
6 of the facts therein stated, and shall be subject to recordation.
7 A certificate by the Secretary of State, under the state [great]
8 seal [~~of--this-State~~], as to the existence or non-existence of the
9 facts relating to corporations which would not appear from a
10 certified copy of any of the foregoing documents or certificates
11 shall be taken and received in all courts, public offices, and
12 official bodies as prima facie evidence of the existence or
13 non-existence of the facts therein stated.

14 SECTION 26. Article 48.03, Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 48.03. GOVERNOR'S ACTS UNDER SEAL. All remissions of
17 fines and forfeitures, and all reprieves, commutations of
18 punishment and pardons, shall be signed by the Governor, and
19 certified by the Secretary of State, under the state [great] seal
20 [~~of--State~~], and shall be forthwith obeyed by any officer to whom
21 the same may be presented.

22 SECTION 27. Section 22, Article 51.13, Code of Criminal
23 Procedure, is amended to read as follows:

24 Sec. 22. FUGITIVES FROM THIS STATE; DUTY OF GOVERNOR.
25 Whenever the Governor of this State shall demand a person charged
26 with crime or with escaping from confinement or breaking the terms
27 of his bail, probation or parole in this State, from the Executive

1 Authority of any other State, or from the Chief Justice or an
2 Associate Justice of the Supreme Court of the District of Columbia
3 authorized to receive such demand under the laws of the United
4 States, he shall issue a warrant under the state seal [~~of--this~~
5 ~~State~~], to some agent, commanding him to receive the person so
6 charged if delivered to him and convey him to the proper officer of
7 the county in this State in which the offense was committed, or in
8 which the prosecution for such offense is then pending.

9 SECTION 28. Section 52.11(h), Education Code, is amended to
10 read as follows:

11 (h) The bonds shall be executed on behalf of the
12 coordinating board, or its successor, as general obligations of the
13 State of Texas in the following manner: They shall be signed by
14 the chairman or vice chairman and the secretary of the board, and
15 the seal of the board shall be impressed on them. They shall be
16 signed by the governor and attested by the secretary of state and
17 the state seal [~~of-the-state~~] impressed on them. The resolution
18 authorizing the issuance of any installment or series of bonds may
19 prescribe the extent to which facsimile signatures and facsimile
20 seals may be used in executing the bonds and appurtenant coupons.
21 Interest coupons may be signed with the facsimile signatures of the
22 chairman or vice chairman and the secretary of the board. In the
23 event any officer whose manual or facsimile signature appears on
24 any bond or coupon ceases to hold that office before the delivery
25 of the bond or coupon, the signature will nevertheless be valid and
26 sufficient for all purposes as if he had remained in office until
27 the delivery had been made.

1 SECTION 29. Section 88.204, Education Code, is amended to
2 read as follows:

3 Sec. 88.204. SALE OF STATIONS. If property used in the
4 operation of a station is sold, the title to the property shall not
5 pass from this state until a deed of conveyance is made to the
6 purchaser, duly signed by the governor and attested by the
7 secretary of state under the state [~~his-official~~] seal. All funds
8 received from the sale of station lands or property shall be
9 deposited in the state treasury and shall be paid out in accordance
10 with the provisions of this subchapter.

11 SECTION 30. Section 255.006(c), Election Code, is amended to
12 read as follows:

13 (c) A person other than an officeholder commits an offense
14 if the person knowingly uses a representation of the state seal
15 [~~Great-Seal-of-Texas~~] in political advertising.

16 SECTION 31. Section 441.059(a), Government Code, is amended
17 to read as follows:

18 (a) The records preservation officer shall prescribe the
19 place and manner of safekeeping of essential records or
20 preservation duplicates and shall establish storage facilities for
21 the records and duplicates. At least one copy of each essential
22 record and a duplicate state seal [~~of-the-state~~] shall be stored in
23 the safest possible location in facilities constructed to withstand
24 blast, fire, water, and other destructive forces. The facilities
25 must be in a place other than the legally designated or customary
26 storage location for the records or duplicates. The records
27 preservation officer shall properly maintain essential records and

1 preservation duplicates that the records preservation officer
2 stores.

3 SECTION 32. Section 465.025(d), Government Code, is amended
4 to read as follows:

5 (d) The bonds may be issued in the form and denominations
6 and executed in the manner and under the terms, conditions, and
7 details determined by the commission or a financing corporation, as
8 applicable, in the resolution authorizing their issuance. The
9 bonds issued by the commission must be signed on behalf of the
10 state by the governor, have the state seal [~~of-the-state~~] impressed
11 on them, and be attested by the secretary of state. If any officer
12 whose manual or facsimile signature appears on the bonds ceases to
13 be an officer, the signature is still valid and sufficient for all
14 purposes as if the officer had remained in office.

15 SECTION 33. Section 221.104, Health and Safety Code, is
16 amended to read as follows:

17 Sec. 221.104. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
18 following documents shall be received by a court, public office, or
19 official body as prima facie evidence of the facts, or the
20 existence or nonexistence of the facts, stated in the document:

21 (1) a certificate issued by the secretary of state
22 under this chapter;

23 (2) a copy, certified by the secretary of state, of a
24 document filed in the office of the secretary of state under this
25 chapter; and

26 (3) a certificate of the secretary of state under the
27 state seal [~~Great--Seal--of--Texas~~] as to the existence or

1 nonexistence of a fact relating to a development corporation that
2 would not appear from a document or certificate under Subdivision
3 (1) or (2).

4 SECTION 34. Section 345.063(b), Health and Safety Code, is
5 amended to read as follows:

6 (b) The stamps must contain:

7 (1) a replica of the state seal [~~Great-Seal-of-Texas~~];

8 (2) the registry number, the serial numbers, or both;

9 and

10 (3) any other information as determined by the
11 department.

12 SECTION 35. Section 51.243(a), Natural Resources Code, is
13 amended to read as follows:

14 (a) Each patent for land from the state shall be issued in
15 the name and by authority of the state under the state seal [~~of-the~~
16 ~~state~~] and the land office seal and shall be signed by the governor
17 and countersigned by the commissioner.

18 SECTION 36. Section 161.116(b), Natural Resources Code, is
19 amended to read as follows:

20 (b) The bonds shall be signed by the chairman and the
21 secretary of the board and the seal of the board shall be impressed
22 on the bonds. In addition, the bonds shall be signed by the
23 governor and attested by the Secretary of State with the state seal
24 [~~of-the-state~~] impressed on the bonds.

25 SECTION 37. Section 162.036(b), Natural Resources Code, is
26 amended to read as follows:

27 (b) The bonds shall be signed by the chairman and the

1 secretary of the board and the seal of the board shall be impressed
2 on the bonds. In addition, the bonds shall be signed by the
3 governor and attested by the secretary of state with the state seal
4 [~~of-the-state~~] impressed on the bonds.

5 SECTION 38. Section 171.355(d), Tax Code, is amended to read
6 as follows:

7 (d) The failure of the secretary of state to mail a copy of
8 legal process to a corporation does not affect the validity of the
9 service of process. It is competent and sufficient proof of the
10 service of process that the secretary of state certifies under the
11 state [~~secretary's-official~~] seal the receipt of the process.

12 SECTION 39. Article 8253, Revised Statutes, is amended to
13 read as follows:

14 Art. 8253. BRANCH PILOT LICENSE. All branch pilots
15 appointed under and in accordance with this law or the rules and
16 regulations of such navigation district shall enter into bond with
17 one or more good and sufficient sureties in the sum of five
18 thousand dollars, payable to the Governor, conditioned upon the
19 faithful performance on any employee which together with any other
20 insurance under commissioners of such district, and shall be
21 deposited in the office of the Secretary of State. Each pilot
22 shall also take the official oath, which shall be endorsed on said
23 bond. Upon the filing of said bond, and the taking of said oath,
24 the commissioners of such district shall certify to the Governor
25 that each branch pilot has duly qualified to act as such, and
26 thereupon the Governor shall issue to said branch pilot, in the
27 name and under the state seal [~~of-the-State~~], a commission to serve

1 as branch pilot from such ports, across any intermediate bars, to
2 the open gulf; and said commission shall be for a term of four
3 years, unless such branch pilot shall be dismissed from service by
4 said navigation and canal commissioners, in which event such
5 commission shall expire.

6 SECTION 40. Section 4.06, Houston Pilots Licensing and
7 Regulatory Act (Article 8280a, Vernon's Texas Civil Statutes), is
8 amended to read as follows:

9 Sec. 4.06. ISSUANCE OF LICENSE. On filing of the bond and
10 oath provided by Section 4.09 of this Act, the board shall certify
11 to the governor that the branch pilot has duly qualified to act as
12 a branch pilot, and on receiving this certification, the governor
13 shall issue to the branch pilot, in the name and under the state
14 seal [~~of-the-state~~], a commission to serve as a branch pilot from
15 the ports within the jurisdiction of the board, across intermediate
16 bars, to and from the open gulf.

17 SECTION 41. Section 4.06(a), Galveston County Pilots
18 Licensing and Regulatory Act (Article 8280b, Vernon's Texas Civil
19 Statutes), is amended to read as follows:

20 (a) On filing of the bond and oath provided by Section 4.09
21 of this Act, the board shall certify to the governor that the
22 branch pilot has duly qualified to act as a branch pilot, and on
23 receiving this certification, the governor shall issue to the
24 branch pilot, in the name and under the state seal [~~of-the-state~~],
25 a commission to serve as a branch pilot from the ports within the
26 jurisdiction of the board, across intermediate bars, to and from
27 the open gulf.

1 SECTION 42. Section 4.06(a), Brazoria County Pilots
2 Licensing and Regulatory Act (Article 8280c, Vernon's Texas Civil
3 Statutes), is amended to read as follows:

4 (a) On filing of the bond and oath provided by Section 4.09
5 of this Act, the board shall certify to the governor that the
6 branch pilot has qualified to act as a branch pilot, and on
7 receiving this certification, the governor shall issue to the
8 branch pilot, in the name and under the state seal [~~of the--state~~],
9 a commission to serve as a branch pilot from the ports within the
10 jurisdiction of the board, across intermediate bars, to and from
11 the open gulf.

12 SECTION 43. The following laws are repealed:

13 (1) Articles 6139, 6140, 6141, and 6142, Revised
14 Statutes;

15 (2) Chapter 87, General Laws, Acts of the 43rd
16 Legislature, Regular Session, 1933 (Article 6142a, Vernon's Texas
17 Civil Statutes);

18 (3) Chapter 77, Acts of the 54th Legislature, Regular
19 Session, 1955 (Article 6142b, Vernon's Texas Civil Statutes);

20 (4) Section 11.05, State Purchasing and General
21 Services Act (Article 601b, Vernon's Texas Civil Statutes); and

22 (5) Section 17.07, Business & Commerce Code.

23 SECTION 44. This Act applies only to a license issued under
24 Section 17.08, Business & Commerce Code, on or after the effective
25 date of this Act. A license issued before the effective date of
26 this Act is governed by the law in effect at the time the license
27 was issued, and that law is continued in effect for this purpose.

1 SECTION 45. The change in the designation of the Great Seal
2 of the State of Texas, the seal of the secretary of state, or any
3 other seal under this Act does not affect the validity of any
4 document signed or any other act performed under seal before the
5 effective date of this Act.

6 SECTION 46. The change in law made by Section 43 of this Act
7 does not apply to a civil action commenced before the effective
8 date of this Act. A civil action commenced before the effective
9 date of this Act is covered by the law in effect when the action
10 was commenced, and the former law is continued in effect for this
11 purpose.

12 SECTION 47. The repeal of Section 11.05, State Purchasing
13 and General Services Act (Article 601b, Vernon's Texas Civil
14 Statutes), does not affect the validity of a contract entered into
15 under that section before the effective date of this Act.

16 SECTION 48. (a) The change in law made by Section 43 of
17 this Act does not apply to the prosecution of an offense committed
18 before the effective date of this Act. For purposes of this
19 section, an offense is committed before the effective date of this
20 Act if any element of the offense occurs before that date.

21 (b) An offense committed before the effective date of this
22 Act is covered by the law in effect when the offense was committed,
23 and the former law is continued in effect for this purpose.

24 SECTION 49. Each board, commission, department, institution,
25 office, or other agency of the state government, including an
26 institution of higher education as defined by Section 61.003,
27 Education Code, shall use the state flags, staffs, and finials and

1 any item bearing the Great Seal of Texas it has on the effective
2 date of this Act until those items are unserviceable.

3 SECTION 50. The importance of this legislation and the
4 crowded condition of the calendars in both houses create an
5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended.

HOUSE ENGROSSMENT

By Van de Putte

H.B. No. 1463

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the description and use of the state flag, the
3 governor's flag, the state arms, and the state seal and to the
4 adoption and rendition of the state song.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Title 106, Revised Statutes, is amended by adding
7 Article 6139a to read as follows:

8 Art. 6139a. DESCRIPTION OF THE STATE FLAG. (a) The state
9 flag is the 1839 national flag of the Republic of Texas.

10 (b) The state flag consists of a rectangle with a width to
11 length ratio of two to three containing:

12 (1) a blue vertical stripe one-third the entire length
13 of the flag wide, and two equal horizontal stripes, the upper
14 stripe white, the lower red, each two-thirds the entire length of
15 the flag long; and

16 (2) a white, regular five-pointed star in the center
17 of the blue stripe, oriented so that one point faces upward, and of
18 such a size that the diameter of a circle passing through the five
19 points of the star is equal to three-fourths the width of the blue
20 stripe.

21 (c) The red, white, and blue of the state flag stand,
22 respectively, for bravery, purity, and loyalty.

23 (d) The red and blue colors of the state flag are the same
24 colors used in the United States flag and are defined as numbers

1 80108 (red) and 80075 (dark blue) of The Standard Color Reference
2 of America, 10th edition.

3 (e) When displayed permanently mounted on a staff, as for
4 indoor or parade use, the state flag may be decorated with gold
5 fringe and its staff with gold cords and tassels.

6 (f) When the state flag is displayed on a staff, the staff
7 should be at least 2-1/2 times as long as the flag's hoist, and the
8 state flag should be attached to the staff's peak. The staff's
9 finial should be either a lone star or a spearhead.

10 (g) The governor may prescribe additional rules with respect
11 to the description of the state flag. The governor shall set forth
12 any alterations or additional rules in an executive order published
13 in the Texas Register.

14 SECTION 2. Title 106, Revised Statutes, is amended by adding
15 Article 6139b to read as follows:

16 Art. 6139b. PLEDGE OF ALLEGIANCE TO THE STATE FLAG. (a)
17 The pledge of allegiance to the state flag is, "Honor the Texas
18 flag; I pledge allegiance to thee, Texas, one and indivisible."

19 (b) The pledge of allegiance to the state flag should be
20 rendered by all present except those in uniform by standing at
21 attention facing the flag with the right hand over the heart.
22 Individuals who are not in uniform and who are wearing a headdress
23 that is easily removeable should remove their headdress with their
24 right hand and hold it at the left shoulder, with the hand over the
25 heart. Individuals in uniform should remain silent, face the flag,
26 and render the military salute.

27 (c) The pledge of allegiance to the state flag may be

1 recited at all public and private meetings at which the pledge of
2 allegiance to the United States flag is recited and at state
3 historical events and celebrations.

4 (d) The pledge of allegiance to the state flag should be
5 recited after the pledge of allegiance to the United States flag if
6 both are recited.

7 SECTION 3. Title 106, Revised Statutes, is amended by adding
8 Article 6139c to read as follows:

9 Art. 6139c. TEXAS FLAG CODE

10 Sec. 1. This article may be cited as the Texas Flag Code.

11 Sec. 2. The rules set out by Section 3 of this article
12 govern the use of the state flag in this state.

13 Sec. 3. (a) The state flag normally should not be displayed
14 outdoors earlier than sunrise or later than sunset. However, when
15 a patriotic effect is desired, the state flag may be displayed 24
16 hours a day if properly illuminated during the hours of darkness or
17 may be displayed under the same circumstances as the United States
18 flag may be displayed.

19 (b) The state flag should be hoisted briskly and lowered
20 ceremoniously.

21 (c) The state flag should not be displayed on days when the
22 weather is inclement unless a weatherproof flag is displayed.

23 (d) The state flag should be displayed on all state holidays
24 and on special occasions of historical significance. Texas Flag
25 Day shall be celebrated on March 2, Texas Independence Day.

26 (e) The state flag should be displayed daily on or near the
27 main administration building of every state institution.

1 (f) The state flag, when carried in a procession with
2 another flag or flags except the United States flag, should be
3 either on the marching right, that is, the state flag's right, or,
4 if there is a line of other flags, in front of the center of that
5 line. When the state flag is carried in a procession in which the
6 United States flag is carried, the United States flag should be on
7 the marching right, that is, the United States flag's right, and
8 the state flag should be on the United States flag's left.

9 (g) The state flag should not be displayed on a float in a
10 parade except from a staff or as provided in Subsection (o) of this
11 section.

12 (h) The state flag should not be draped over the hood, top,
13 side, or back of any vehicle, railroad train, boat, or aircraft.
14 When the state flag is displayed on a motor vehicle, the staff
15 should be fixed firmly to the chassis or clamped to the right
16 fender. If the United States flag is also displayed, its staff
17 should be clamped to the right fender, and the state flag's staff
18 should be clamped to the left fender.

19 (i) No flag or pennant other than the United States flag
20 should be placed above or, if on the same level, to the state
21 flag's right, that is, the observer's left. When the state and
22 United States flags are displayed at the same time, they should be
23 flown on flagpoles of the same height, and the flags should be of
24 approximately equal size. The United States flag should be
25 displayed to the United States flag's right, that is, the
26 observer's left. However, when it is necessary for the state and
27 United States flags to be flown from the same flagpole, the state

1 flag should be displayed underneath the United States flag. When
2 the state flag is displayed on a separate flagpole from the United
3 States flag, the state flag should be hoisted after the United
4 States flag is hoisted and lowered before the United States flag is
5 lowered.

6 (j) When the state flag is displayed with another flag,
7 other than the United States flag, against a wall from crossed
8 staffs, the state flag should be on the state flag's right, that
9 is, the observer's left, and its staff should be in front of the
10 staff of the other flag. When the state and United States flags
11 are displayed against a wall from crossed staffs, the state flag
12 should be on the United States flag's left, that is, the observer's
13 right, and behind the staff of the United States flag.

14 (k) The state flag should be at the center and at the
15 highest point of a group when a number of flags or pennants of
16 municipalities, localities, organizations, or corporations are
17 grouped and displayed from staffs.

18 (l) When flags or pennants of municipalities, localities,
19 organizations, or corporations are flown on the same halyard with
20 the state flag, the latter should always be at the peak. When the
21 flags are flown from adjacent staffs, the state flag should be
22 hoisted first and lowered last. Those flags or pennants may not be
23 placed above the state flag or to the state flag's right, that is,
24 the observer's left.

25 (m) When the state flag is displayed with the flags of other
26 states of the United States, nations other than the United States,
27 and international organizations, the state flag should be displayed

1 on the state flag's right, that is, the observer's left, on a
2 separate flagpole or staff. This subsection does not apply to the
3 United States or any agency of the United States, including the
4 armed services, when federal law, custom, or practice dictates
5 otherwise. The state flag should not be displayed above the flags
6 of other states of the United States, nations, and international
7 organizations on the same flagpole, and the state flag should not
8 be displayed from a higher flagpole or staff.

9 (n) When the state flag is displayed from a staff projecting
10 horizontally or at an angle from a windowsill, balcony, or front of
11 a building, the top of the flag should be placed at the peak of the
12 staff unless the flag is at half-staff. When the state flag is
13 suspended over a sidewalk from a rope extending from a house to a
14 pole at the edge of the sidewalk, the flag should be hoisted out,
15 white stripe first, from the building.

16 (o) When the state flag is displayed horizontally, the white
17 stripe should be uppermost and to the state flag's left, that is,
18 to the observer's right. When displayed in a window, the state
19 flag should be displayed in the same way, with the blue stripe to
20 the left of an observer who is outside the window. When the state
21 flag is displayed vertically, the blue stripe should be uppermost
22 and the white stripe should be to the state flag's right, that is,
23 to the observer's left.

24 (p) When the state flag is displayed over the middle of a
25 street, it should be suspended vertically with the blue stripe
26 uppermost and the white stripe to the north in an east and west
27 street, or with the white stripe to the east in a north and south

1 street.

2 (q) When used on a speaker's platform, the state flag, if
3 displayed flat, should be displayed above and behind the speaker.
4 If both the state and United States flags are displayed on a
5 speaker's platform at the same time, the state flag should be on
6 the state flag's left, that is, the observer's right, while the
7 United States flag should be on the United States flag's right,
8 that is, the observer's left.

9 (r) The state flag should form a distinctive feature of the
10 ceremony of unveiling a statue or monument, but it should never be
11 used as the covering for the statue or monument.

12 (s) The state flag, when flown at half-staff, should be
13 first hoisted to the peak of the flagpole for an instant and then
14 lowered to the half-staff position. The state flag should be again
15 raised to the peak before it is lowered for the day. On Memorial
16 Day the state flag should be displayed at half-staff until noon
17 only, then raised to the peak of the flagpole. By order of the
18 governor, the state flag shall be flown at half-staff on the death
19 of an individual as a mark of respect to the individual's memory.

20 (t) When the state flag is used to cover a casket, it should
21 be so placed that the blue stripe is at the head and the white
22 stripe is over the left shoulder, that is, the observer's right.
23 The state flag should not be lowered into the grave or allowed to
24 touch the ground.

25 (u) When the state flag is suspended across a corridor or
26 lobby in a building with only one main entrance, it should be
27 suspended vertically with the white stripe of the flag to the

1 observer's left on entering. If the building has more than one
2 main entrance, the state flag should be suspended vertically near
3 the center of the corridor or lobby with the white stripe to the
4 north, when entrances are to the east and west, or to the east,
5 when entrances are to the north and south. If there are entrances
6 in more than two directions, the white stripe should be to the
7 east.

8 (v) The state flag should not be dipped to any person or
9 thing except as a mark of honor for the United States flag.

10 (w) When the state flag is displayed from a flagpole or
11 staff, the white stripe should always be at the top of the flag,
12 except as a signal of dire distress in instances of extreme danger
13 to life or property.

14 (x) The state flag should not touch anything beneath it,
15 such as the ground or the floor, and should not trail in water.

16 (y) The state flag should, when practicable, not be carried
17 flat or horizontally, but aloft and free.

18 (z) The state flag should not be used as bedding or drapery.
19 It should not be festooned, drawn back, or up, in folds, but always
20 allowed to fall free. Bunting of blue, white, and red, always
21 arranged with the blue above, the white in the middle, and the red
22 below, should be used instead of the state flag for covering a
23 speaker's desk, for draping the front of a platform, and for
24 decoration in general.

25 (aa) The state flag should not be fastened, displayed, used,
26 or stored in a manner that it can be easily torn, soiled, or
27 damaged in any way.

1 (bb) The state flag should not be used as a covering for a
2 ceiling.

3 (cc) The state flag should not have placed on any part of
4 it, or attached to it, any mark, insignia, letter, word, figure,
5 design, picture, or drawing of any nature.

6 (dd) The state flag should not be used as a receptacle for
7 receiving, holding, carrying, or delivering anything.

8 (ee) Advertisements should not be fastened to a staff or
9 halyard from which the state flag is flown.

10 (ff) The state flag, when it is in such a condition that it
11 is no longer a fitting emblem for display, should be destroyed in a
12 dignified way, preferably by burning.

13 (gg) During the ceremony of hoisting or lowering the state
14 flag or when the state flag is passing in a parade or in review,
15 all individuals present except those in uniform should face the
16 state flag and stand at attention with the right hand over the
17 heart. Those present in uniform should render the military salute.
18 When not in uniform, individuals who are wearing a headdress that
19 is easily removeable should remove their headdress with their right
20 hand and hold it at the left shoulder, with the hand over the
21 heart. Individuals who are not citizens of this state should stand
22 at attention. The salute to the state flag in a moving column
23 should be rendered at the moment the state flag passes.

24 Sec. 4. The governor may alter, modify, or repeal any rule
25 relating to the display of the state flag set forth in Section 3 or
26 may prescribe additional rules with respect to the display of the
27 state flag. The governor shall set forth any alterations or

1 additional rules in an executive order published in the Texas
2 Register.

3 Sec. 5. (a) A governmental subdivision or agency may not
4 enact or enforce a law that prohibits:

5 (1) the display of a municipal flag, the state flag,
6 the flag of another state of the United States, the United States
7 flag, or the flag of a nation other than the United States; or

8 (2) any conduct covered by this article.

9 (b) This section does not apply to an action by a
10 governmental subdivision or agency to enact or enforce a law
11 established to protect the public health and safety.

12 SECTION 4. Title 106, Revised Statutes, is amended by adding
13 Article 6139d to read as follows:

14 Art. 6139d. FLAG OF THE GOVERNOR. The governor may adopt a
15 flag for the governor's official use. The governor shall set forth
16 the description of the flag in an executive order published in the
17 Texas Register.

18 SECTION 5. Title 106, Revised Statutes, is amended by adding
19 Article 6139e to read as follows:

20 Art. 6139e. STATE SONG. (a) The state song is "Texas, Our
21 Texas" by William J. Marsh and Gladys Yoakum Wright:

22 Texas, our Texas! All hail the mighty State!

23 Texas, our Texas! So wonderful so great!

24 Boldest and grandest, Withstanding ev'ry test;

25 O Empire wide and glorious, You stand supremely blest.

26 Refrain

27 God bless you Texas! And keep you brave and strong,

1 That you may grow in power and worth, Thro'out the
2 ages long.

3 Texas, O Texas! Your freeborn single star,
4 Sends out its radiance to nations near and far.
5 Emblem of freedom! It sets our hearts aglow,
6 With thoughts of San Jacinto and glorious Alamo.

7 Refrain

8 Texas, dear Texas! From tyrant grip now free,
9 Shines forth in splendor your star of destiny!
10 Mother of heroes! We come your children true,
11 Proclaiming our allegiance, our faith, our love for you.

12 Refrain

13 (b) During the rendition of the state song when the state
14 flag is displayed, all individuals present except those in uniform
15 should stand at attention facing the state flag with the right hand
16 over the heart. Those present in uniform should render the
17 military salute at the first note of the state song and retain this
18 position until the last note. When not in uniform, individuals who
19 are wearing a headdress that is easily removeable should remove
20 their headdress with their right hand and hold it at the left
21 shoulder, with the hand over the heart. Individuals who are not
22 citizens of this state should stand at attention.

23 (c) When the state flag is not displayed, those present
24 should face toward the music and act in the same manner as they
25 would if the state flag were displayed there.

26 (d) The state song should be rendered after the national
27 anthem if both are rendered.

1 SECTION 6. Title 106, Revised Statutes, is amended by adding
2 Article 6139f to read as follows:

3 Art. 6139f. STATE SEAL; STATE ARMS. (a) The state seal is
4 as provided by Article IV, Section 19, of the Texas Constitution.

5 (b) The reverse of the state seal contains a shield,
6 displaying a depiction of the Alamo, the cannon of the Battle of
7 Gonzales, and Vince's Bridge. The shield is encircled by live oak
8 and olive branches, and the unfurled flags of the Kingdom of
9 France, the Kingdom of Spain, the United Mexican States, the
10 Republic of Texas, the Confederate States of America, and the
11 United States of America. Above the shield is emblazoned the
12 motto, "REMEMBER THE ALAMO," and beneath it are the words, "TEXAS
13 ONE AND INDIVISIBLE," with a white five-pointed star hanging over
14 the shield, centered between the flags.

15 (c) The state arms are a white star of five points, on an
16 azure ground, encircled by olive and live oak branches.

17 (d) The secretary of state, by rule, shall adopt standard
18 designs for the state seal, the reverse of the state seal, and the
19 state arms.

20 (e) A law that requires the use of the state seal does not
21 require the use of the state arms or the reverse of the state seal.

22 SECTION 7. Section 2.02, Education Code, is amended to read
23 as follows:

24 Sec. 2.02. THE FLYING OF THE STATE FLAG. On all regular
25 school days, every school and other educational institution covered
26 by this code shall fly the state [Texas] flag in accordance with
27 the Texas Flag Code, Article 6139c, Revised Statutes [general-rules

1 ~~governing-its-use~~].

2 SECTION 8. Section 17.08, Business & Commerce Code, is
3 amended to read as follows:

4 Sec. 17.08. PRIVATE USE OF STATE [~~GREAT~~] SEAL [~~OF-TEXAS~~].

5 (a) In this section:

6 (1) "Commercial purpose" means a purpose that is
7 intended to result in a profit or other tangible benefit but does
8 not include:

9 (A) [an] official use of the state seal or a
10 representation of the state seal in a state function;

11 (B) [or-the] use of the state seal [Great--Seal
12 of--Texas] or a representation of the state seal [Great-Seal-of
13 Texas] for a political purpose by an elected official of this
14 state;

15 (C) use of the state seal or a representation of
16 the state seal in an encyclopedia, dictionary, book, journal,
17 pamphlet, periodical, magazine, or newspaper incident to a
18 description or history of seals, coats of arms, heraldry, or this
19 state;

20 (D) use of the state seal or a representation of
21 the state seal in a library, museum, or educational facility
22 incident to descriptions or exhibits relating to seals, coats of
23 arms, heraldry, or this state;

24 (E) use of the state seal or a representation of
25 the state seal in a theatrical, motion-picture, television, or
26 similar production for a historical, educational, or newsworthy
27 purpose; or

1 (F) use of the state seal or a representation of
2 the state seal for another historical, educational, or newsworthy
3 purpose if authorized in writing by the secretary of state.

4 (2) "Representation of the state seal [~~Great-Seal-of~~
5 ~~Texas~~]" includes a nonexact representation that the secretary of
6 state determines is deceptively similar to the state seal. [~~Great~~
7 ~~Seal-of-Texas~~]

8 (3) "Official use" means the use of the state seal
9 [~~Great--Seal--of--Texas~~] by an officer or employee of this state in
10 performing a state function. [↗]

11 (4) "State function" means a state governmental
12 activity authorized or required by law.

13 (5) "State seal" means the state seal, the reverse of
14 the state seal, and the state arms as defined by Article 6139f,
15 Revised Statutes.

16 (b) Except as otherwise provided by this section, a person
17 may not use a representation of the state seal [~~Great--Seal--of~~
18 ~~Texas~~]:

19 (1) to advertise or publicize tangible personal
20 property or a commercial undertaking; or

21 (2) for another commercial purpose.

22 (c) A person may use a representation of the state seal
23 [~~Great--Seal--of--Texas~~] for a commercial purpose if the person
24 obtains a license from the secretary of state for that use. The
25 secretary of state, under the authority vested in the secretary as
26 custodian of the seal under Article IV, Section 19, of the Texas
27 Constitution, shall issue a license to a person who applies for a

1 license on a form provided by the secretary of state and who pays
2 the fees required under this section if the secretary of state
3 determines that the use is in the best interests of the state and
4 not detrimental to the image of the state. A license issued under
5 this section expires one year after the date of issuance and may be
6 renewed.

7 (d) The secretary of state shall adopt rules relating to the
8 use of the state seal [~~Great-Seal-of-Texas~~] by a person licensed
9 under this section. The secretary of state shall adopt the rules
10 in the manner provided by the Administrative Procedure and Texas
11 Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

12 (e) The application fee for a license under this section is
13 \$35. The license fee for an original or renewal license is \$250.
14 In addition to those fees, each licensee shall pay an amount equal
15 to three percent of the licensee's annual gross receipts related to
16 the licensed use in excess of \$5,000 to the state as a royalty fee.

17 (f) A person licensed under this section shall maintain
18 records relating to the licensee's use of the state seal [~~Great~~
19 ~~Seal-of-Texas~~] in the manner required by the rules of the secretary
20 of state. The secretary of state may examine the records during
21 reasonable business hours to determine the licensee's compliance
22 with this section. Each licensee shall display the license in a
23 conspicuous manner in the licensee's office or place of business.

24 (g) The secretary of state may suspend or revoke a license
25 issued under this section for failure to comply with this section
26 or the rules adopted under this section. The secretary of state
27 may bring a civil action to enjoin a violation of this section or

1 the rules adopted under this section.

2 (h) A person who reproduces an official document bearing the
3 state seal [~~Great-Seal-of-Texas~~] does not violate Subsection (b) of
4 this section if the document is:

5 (1) reproduced in complete form; and

6 (2) used for a purpose related to the purpose for
7 which the document was issued by the state.

8 (i) A person who violates a provision of Subsection (b) of
9 this section commits an offense. An offense under this section is
10 a Class C misdemeanor.

11 (j) A person who violates Subsection (b) of this section
12 commits a separate offense each day that the person violates a
13 provision of that subsection.

14 SECTION 9. Sections 9A(a) and (b), State Aircraft Pooling
15 Act (Article 4413(34b), Vernon's Texas Civil Statutes), are amended
16 to read as follows:

17 (a) Except as provided by Subsection (c) of this section,
18 all aircraft owned or leased by the state shall be marked:

19 (1) with the [~~Texas~~] state seal on each side of the
20 aircraft's vertical stabilizer; and

21 (2) with the words "The State of Texas" on each side
22 of the aircraft's fuselage.

23 (b) The board shall, consistent with federal regulations and
24 Article 6139f, Revised Statutes, and its subsequent amendments,
25 adopt rules governing the color, size, and location of marks of
26 identification required by this section.

27 SECTION 10. Section 30, The Securities Act (Article 581-30,

1 Vernon's Texas Civil Statutes), is amended to read as follows:

2 Sec. 30. CERTIFIED COPIES OF PAPERS FILED WITH COMMISSIONER
3 AS EVIDENCE. Copies of all papers, instruments, or documents filed
4 in the office of the Commissioner, certified by the Commissioner,
5 shall be admitted to be read in evidence in all courts of law and
6 elsewhere in this state in all cases where the original would be
7 admitted in evidence; provided, that in any proceeding in the court
8 having jurisdiction, the court may, on cause shown, require the
9 production of the originals.

10 The Commissioner shall assume custody of all records of the
11 Securities Divisions within the offices of the Secretary of State
12 and of the Board of Insurance Commissioners, and henceforth these
13 prior records shall be proven under certificate of the
14 Commissioner.

15 In any prosecution, action, suit or proceeding before any of
16 the several courts of this state based upon or arising out of or
17 under the provisions of this Act, a certificate under the state
18 seal [~~of--the--state~~], duly signed by the Commissioner, showing
19 compliance or non-compliance with the provisions of this Act
20 respecting compliance or non-compliance with the provisions of this
21 Act by any dealer or salesman, shall constitute prima facie
22 evidence of such compliance or of such non-compliance with the
23 provisions of this Act, as the case may be, and shall be admissible
24 in evidence in any action at law or in equity to enforce the
25 provisions of this Act.

26 SECTION 11. Section 3, Texas Uniform Facsimile Signature of
27 Public Officials Act (Article 717j-1, Vernon's Texas Civil

1 Statutes), is amended to read as follows:

2 Sec. 3. FACSIMILE SEAL. When the state seal [~~of--this~~
3 ~~state~~], the seal of any of the state's [~~its~~] political
4 subdivisions, or the seal of any department, agency, or other
5 instrumentality of this state or its political subdivisions is
6 required in the execution, authentication, certification, or
7 endorsement of a public security, eligible contract, instrument of
8 payment or certificate of assessment, the authorized officer may
9 cause the seal to be printed, engraved, lithographed, stamped, or
10 otherwise placed in facsimile thereon. The facsimile seal has the
11 same legal effect as the impression of the seal.

12 SECTION 12. Section 4.058, Public Facility Corporation Act
13 (Article 717s, Revised Statutes), is amended to read as follows:

14 Sec. 4.058. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
15 following documents shall be received by a court, public office, or
16 official body as prima facie evidence of the facts, or the
17 existence or nonexistence of the facts, stated in the document:

18 (1) a certificate issued by the secretary of state
19 under this article;

20 (2) a copy, certified by the secretary of state, of a
21 document filed in the office of the secretary of state under this
22 article; and

23 (3) a certificate of the secretary of state under the
24 state seal [~~Great--Seal--of--Texas~~] as to the existence or
25 nonexistence of a fact relating to a corporation that would not
26 appear from a document or certificate under Subdivision (1) or (2)
27 of this section.

1 SECTION 13. Section 9.06, Texas Non-Profit Corporation Act
2 (Article 1396-9.06, Vernon's Texas Civil Statutes), is amended to
3 read as follows:

4 Sec. 9.06. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED
5 IN EVIDENCE. A. All certificates issued by the Secretary of State
6 in accordance with the provisions of this Act, and all copies of
7 documents filed in his office, in accordance with the provisions of
8 this Act when certified by him, shall be taken and received in all
9 courts, public offices, and official bodies as prima facie evidence
10 of the facts therein stated and may be officially recorded. A
11 certificate by the Secretary of State under the state [great] seal
12 [~~of this State~~], as to the existence or non-existence of the facts
13 relating to corporations which would not appear from a certified
14 copy of any of the foregoing documents or certificates shall be
15 taken and received in all courts, public offices, and official
16 bodies as prima facie evidence of the existence or non-existence of
17 the facts therein stated.

18 SECTION 14. Section 8, Electric Cooperative Corporation Act
19 (Article 1528b, Vernon's Texas Civil Statutes), is amended to read
20 as follows:

21 Sec. 8. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
22 INCORPORATION. When the incorporators of any corporation shall
23 furnish satisfactory evidence to the Secretary of State of a
24 compliance with the provisions of this Act, said officer shall
25 receive, file, and record the articles of incorporation of such
26 corporation in his office, upon application and payment of all fees
27 therefor, and give a certificate showing the recording of such

1 articles and authority to do business thereunder. The articles
2 shall thereupon be filed in the office of the Secretary of State,
3 who shall record same at length in a book to be kept for that
4 purpose, and retain the original on file in his office. A copy of
5 the articles, or of the record thereof, certified under the state
6 seal [~~Great--Seal-of-the-State~~], shall be evidence of the creation
7 of the corporation. The existence of the corporation shall date
8 from the filing of the articles in the office of the Secretary of
9 State. The certificate of the Secretary of State shall be evidence
10 of such filing.

11 SECTION 15. Section 7, Telephone Cooperative Act (Article
12 1528c, Vernon's Texas Civil Statutes), is amended to read as
13 follows:

14 Sec. 7. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
15 INCORPORATION. When the incorporators of any corporation shall
16 furnish satisfactory evidence to the Secretary of State of a
17 compliance with the provisions of this Act, said officer shall
18 receive, file, and record the articles of incorporation of such
19 corporation in his office, upon application and payment of all fees
20 therefor, and give a certificate showing the recording of such
21 articles and authority to do business thereunder. The articles
22 shall thereupon be filed in the office of the Secretary of State,
23 who shall record same at length in a book to be kept for that
24 purpose, and retain the original on file in his office. A copy of
25 the articles, or of the record thereof, certified under the state
26 seal [~~Great--Seal-of-the-State~~], shall be evidence of the creation
27 of the corporation. The existence of the corporation shall date

1 from the filing of the articles in the office of the Secretary of
2 State. The certificate of the Secretary of State shall be evidence
3 of such filing.

4 SECTION 16. Section 1, Chapter 65, Acts of the 43rd
5 Legislature, 2nd Called Session, 1934 (Article 2606a, Vernon's
6 Texas Civil Statutes), is amended to read as follows:

7 Sec. 1. The Governor of the State of Texas is hereby
8 authorized to have printed manuscript bonds of the State of Texas
9 in convenient denominations to be determined by him for the purpose
10 of refunding the principal of the bonds hereinafter mentioned.
11 Said bonds shall be designated "State of Texas Refunding Bonds,
12 Issue of 1934." Said bonds shall be numbered and dated as
13 hereinafter indicated and shall bear the rate of interest
14 hereinafter fixed, and shall become due and payable on the dates
15 hereinafter shown. Interest paying dates on the various bonds
16 authorized herein shall be fixed as hereinafter indicated. The
17 form of such bonds shall be prepared by the Attorney General. Each
18 of them shall be signed by the Governor and the Treasurer of the
19 State of Texas and countersigned and registered by the Comptroller,
20 and shall have the state seal [~~of-Texas~~] affixed thereto.

21 SECTION 17. Article 4012, Revised Statutes, is amended to
22 read as follows:

23 Art. 4012. EVIDENCE OF AUTHORITY. Any veteran of any of the
24 wars mentioned in this title, their wives, widows or members of
25 their families, and any minister of religion, or any fireman,
26 sister of charity or member of any religious society of like
27 character, who desires to receive the benefits of free or reduced

1 transportation as mentioned in this title shall present to the
2 president, manager, officer, or person authorized to issue such
3 transportation satisfactory evidence that he or she is entitled
4 thereto, as herein provided. The officers entitled to the benefits
5 of this law shall, when presenting themselves to the agent of any
6 such railway or interurban railway company for the purchase of a
7 ticket or to pay his fare, exhibit to such agent in case of the
8 Adjutant General and State Rangers a certificate of the Secretary
9 of State under the state seal, in case of sheriffs and constables
10 and their deputies a certificate under seal of the county judge of
11 the county where they hold office and in case of officers of a city
12 or town a certificate under seal of the mayor of such city or town
13 stating that such person is entitled to the reduced fare herein
14 provided for. Sheriffs and constables shall designate in writing
15 the two deputies entitled to the reduced rates herein provided for.
16 If the sheriff or constable has designated two deputies who are
17 entitled to such reduced rates, then no deputy of such sheriff or
18 constable shall be entitled to free transportation under the
19 provisions of the pass laws of this State.

20 SECTION 18. Section 5, Chapter 94, Acts of the 51st
21 Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas
22 Civil Statutes), is amended to read as follows:

23 Sec. 5. The Board shall preserve a record of its proceedings
24 in a book kept for that purpose, showing name, age, place, and
25 duration of residence of each applicant, the time spent in the
26 study of chiropractic in respective chiropractic schools, together
27 with such other information as the Board may desire to record.

1 Said register shall also show whether applicants were rejected or
2 licensed and shall be prima-facie evidence of all matters contained
3 therein. The secretary of the Board shall on May 1st of each year
4 transmit an official copy of said register to the Secretary of
5 State for permanent record, a certified copy of which, with hand
6 and seal of the secretary of said Board or the hand of the
7 Secretary of State under the state seal, shall be admitted in
8 evidence in all courts.

9 SECTION 19. Subdivision (2), Subsection E, Section 2,
10 Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953
11 (Article 4582b, Vernon's Texas Civil Statutes), is amended to read
12 as follows:

13 (2) The commission shall file annually with the
14 Governor a list of the names of all duly licensed funeral
15 directors, embalmers, and funeral establishments. A copy shall be
16 filed with the Secretary of State for permanent record, a certified
17 copy of which, under the hand [~~and-seal~~] of the Secretary of State
18 and the state seal, shall be admissible as evidence in all courts.

19 SECTION 20. Section 5, Chapter 104, Acts of the 48th
20 Legislature, Regular Session, 1943 (Article 5154a, Vernon's Texas
21 Civil Statutes), is amended to read as follows:

22 Sec. 5. ORGANIZERS. All labor union organizers operating in
23 the State of Texas shall be required to file with the Secretary of
24 State, before soliciting any members for his organization, a
25 written request by United States mail, or shall apply in person for
26 an organizer's card, stating (a) his name in full; (b) his labor
27 union affiliations, if any; (c) describing his credentials and

1 attaching thereto a copy thereof, which application shall be signed
2 by him. Upon such applications being filed, the Secretary of State
3 shall issue to the applicant a card on which shall appear the
4 following: (1) the applicant's name; (2) his union affiliation;
5 (3) a space for his personal signature; (4) a designation, "labor
6 organizer"; and, (5) the signature of the Secretary of State, dated
7 and attested by the state [~~his~~] seal [~~of-office~~]. Such organizer
8 shall at all times, when soliciting members, carry such card, and
9 shall exhibit the same when requested to do so by a person being so
10 solicited for membership.

11 SECTION 21. Section 7(a), Chapter 111, Acts of the 61st
12 Legislature, Regular Session, 1969 (Article 6144h, Vernon's Texas
13 Civil Statutes), is amended to read as follows:

14 (a) The decoration shall display the state seal [~~Great-Seal~~
15 ~~of-the-State-of-Texas~~] with the words "Distinguished Service Medal"
16 engraved in a circle thereon, and shall be suspended from a bar of
17 red, white, and blue.

18 SECTION 22. Article 6265, Revised Statutes, is amended to
19 read as follows:

20 Art. 6265. BEGINNING OF EXISTENCE. The existence of such
21 corporation shall date from the filing of the articles of
22 incorporation in the office of the Secretary of State, and the
23 certificate of the Secretary of State under the state seal [~~of-the~~
24 ~~State~~], shall be evidence of such filing.

25 SECTION 23. Article 6528, Revised Statutes, is amended to
26 read as follows:

27 Art. 6528. REGISTERING BONDS. When such bonds shall be

1 presented to the Secretary of State with said direction to
2 register, he shall register said bonds by entering a description
3 thereof in a book to be kept for that purpose, which shall show the
4 date, number, amount, when due, the rate of interest on each bond,
5 and also the date when the same is registered. The Secretary of
6 State shall indorse on each bond, under the state seal [~~of-his~~
7 ~~office~~] and his official signature, together with the date thereof,
8 as follows: "This bond is registered under the direction of the
9 Railroad Commission of Texas." Provided, however, that at the
10 direction of the Secretary of State the state [~~his-said~~] seal may
11 be a facsimile seal in lieu of the [~~his~~] manually impressed state
12 seal and his said signature may be his facsimile signature in lieu
13 of his manual signature. No bond or other evidence of debt,
14 hereafter issued by or under the authority of any person, firm,
15 corporation, court, or railroad company, whereby a lien is created
16 on its franchise or property situated in this State, shall be valid
17 or have any force until the same has been registered as required
18 herein.

19 SECTION 24. Section 201.048(d), Agriculture Code, is amended
20 to read as follows:

21 (d) The secretary of state shall make and issue to the
22 directors a certificate, under the state seal [~~of-this--state~~], of
23 the due organization of the conservation district. The secretary
24 shall record the certificate with the application and statement.

25 SECTION 25. Article 9.05, Texas Business Corporation Act, is
26 amended to read as follows:

27 Art. 9.05. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED

1 IN EVIDENCE. A. All certificates issued by the Secretary of State
2 in accordance with the provisions of this Act, and all copies of
3 documents filed in his office in accordance with the provisions of
4 this Act, when certified by him, shall be taken and received in all
5 courts, public offices, and official bodies as prima facie evidence
6 of the facts therein stated, and shall be subject to recordation.
7 A certificate by the Secretary of State, under the state [great]
8 seal [~~of--this-State~~], as to the existence or non-existence of the
9 facts relating to corporations which would not appear from a
10 certified copy of any of the foregoing documents or certificates
11 shall be taken and received in all courts, public offices, and
12 official bodies as prima facie evidence of the existence or
13 non-existence of the facts therein stated.

14 SECTION 26. Article 48.03, Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 48.03. GOVERNOR'S ACTS UNDER SEAL. All remissions of
17 fines and forfeitures, and all reprieves, commutations of
18 punishment and pardons, shall be signed by the Governor, and
19 certified by the Secretary of State, under the state [great] seal
20 [~~of--State~~], and shall be forthwith obeyed by any officer to whom
21 the same may be presented.

22 SECTION 27. Section 22, Article 51.13, Code of Criminal
23 Procedure, is amended to read as follows:

24 Sec. 22. FUGITIVES FROM THIS STATE; DUTY OF GOVERNOR.
25 Whenever the Governor of this State shall demand a person charged
26 with crime or with escaping from confinement or breaking the terms
27 of his bail, probation or parole in this State, from the Executive

1 Authority of any other State, or from the Chief Justice or an
2 Associate Justice of the Supreme Court of the District of Columbia
3 authorized to receive such demand under the laws of the United
4 States, he shall issue a warrant under the state seal [~~of--this~~
5 ~~State~~], to some agent, commanding him to receive the person so
6 charged if delivered to him and convey him to the proper officer of
7 the county in this State in which the offense was committed, or in
8 which the prosecution for such offense is then pending.

9 SECTION 28. Section 52.11(h), Education Code, is amended to
10 read as follows:

11 (h) The bonds shall be executed on behalf of the
12 coordinating board, or its successor, as general obligations of the
13 State of Texas in the following manner: They shall be signed by
14 the chairman or vice chairman and the secretary of the board, and
15 the seal of the board shall be impressed on them. They shall be
16 signed by the governor and attested by the secretary of state and
17 the state seal [~~of-the-state~~] impressed on them. The resolution
18 authorizing the issuance of any installment or series of bonds may
19 prescribe the extent to which facsimile signatures and facsimile
20 seals may be used in executing the bonds and appurtenant coupons.
21 Interest coupons may be signed with the facsimile signatures of the
22 chairman or vice chairman and the secretary of the board. In the
23 event any officer whose manual or facsimile signature appears on
24 any bond or coupon ceases to hold that office before the delivery
25 of the bond or coupon, the signature will nevertheless be valid and
26 sufficient for all purposes as if he had remained in office until
27 the delivery had been made.

1 SECTION 29. Section 88.204, Education Code, is amended to
2 read as follows:

3 Sec. 88.204. SALE OF STATIONS. If property used in the
4 operation of a station is sold, the title to the property shall not
5 pass from this state until a deed of conveyance is made to the
6 purchaser, duly signed by the governor and attested by the
7 secretary of state under the state [~~his-official~~] seal. All funds
8 received from the sale of station lands or property shall be
9 deposited in the state treasury and shall be paid out in accordance
10 with the provisions of this subchapter.

11 SECTION 30. Section 255.006(c), Election Code, is amended to
12 read as follows:

13 (c) A person other than an officeholder commits an offense
14 if the person knowingly uses a representation of the state seal
15 [~~Great-Seal-of-Texas~~] in political advertising.

16 SECTION 31. Section 441.059(a), Government Code, is amended
17 to read as follows:

18 (a) The records preservation officer shall prescribe the
19 place and manner of safekeeping of essential records or
20 preservation duplicates and shall establish storage facilities for
21 the records and duplicates. At least one copy of each essential
22 record and a duplicate state seal [~~of-the-state~~] shall be stored in
23 the safest possible location in facilities constructed to withstand
24 blast, fire, water, and other destructive forces. The facilities
25 must be in a place other than the legally designated or customary
26 storage location for the records or duplicates. The records
27 preservation officer shall properly maintain essential records and

1 preservation duplicates that the records preservation officer
2 stores.

3 SECTION 32. Section 465.025(d), Government Code, is amended
4 to read as follows:

5 (d) The bonds may be issued in the form and denominations
6 and executed in the manner and under the terms, conditions, and
7 details determined by the commission or a financing corporation, as
8 applicable, in the resolution authorizing their issuance. The
9 bonds issued by the commission must be signed on behalf of the
10 state by the governor, have the state seal [~~of-the-state~~] impressed
11 on them, and be attested by the secretary of state. If any officer
12 whose manual or facsimile signature appears on the bonds ceases to
13 be an officer, the signature is still valid and sufficient for all
14 purposes as if the officer had remained in office.

15 SECTION 33. Section 221.104, Health and Safety Code, is
16 amended to read as follows:

17 Sec. 221.104. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
18 following documents shall be received by a court, public office, or
19 official body as prima facie evidence of the facts, or the
20 existence or nonexistence of the facts, stated in the document:

21 (1) a certificate issued by the secretary of state
22 under this chapter;

23 (2) a copy, certified by the secretary of state, of a
24 document filed in the office of the secretary of state under this
25 chapter; and

26 (3) a certificate of the secretary of state under the
27 state seal [~~Great--Seal--of--Texas~~] as to the existence or

1 nonexistence of a fact relating to a development corporation that
2 would not appear from a document or certificate under Subdivision
3 (1) or (2).

4 SECTION 34. Section 345.063(b), Health and Safety Code, is
5 amended to read as follows:

6 (b) The stamps must contain:

7 (1) a replica of the state seal [~~Great-Seal-of-Texas~~];

8 (2) the registry number, the serial numbers, or both;

9 and

10 (3) any other information as determined by the
11 department.

12 SECTION 35. Section 51.243(a), Natural Resources Code, is
13 amended to read as follows:

14 (a) Each patent for land from the state shall be issued in
15 the name and by authority of the state under the state seal [~~of-the~~
16 ~~state~~] and the land office seal and shall be signed by the governor
17 and countersigned by the commissioner.

18 SECTION 36. Section 161.116(b), Natural Resources Code, is
19 amended to read as follows:

20 (b) The bonds shall be signed by the chairman and the
21 secretary of the board and the seal of the board shall be impressed
22 on the bonds. In addition, the bonds shall be signed by the
23 governor and attested by the Secretary of State with the state seal
24 [~~of-the-state~~] impressed on the bonds.

25 SECTION 37. Section 162.036(b), Natural Resources Code, is
26 amended to read as follows:

27 (b) The bonds shall be signed by the chairman and the

1 secretary of the board and the seal of the board shall be impressed
2 on the bonds. In addition, the bonds shall be signed by the
3 governor and attested by the secretary of state with the state seal
4 [~~of-the-state~~] impressed on the bonds.

5 SECTION 38. Section 171.355(d), Tax Code, is amended to read
6 as follows:

7 (d) The failure of the secretary of state to mail a copy of
8 legal process to a corporation does not affect the validity of the
9 service of process. It is competent and sufficient proof of the
10 service of process that the secretary of state certifies under the
11 state [~~secretary's-official~~] seal the receipt of the process.

12 SECTION 39. Article 8253, Revised Statutes, is amended to
13 read as follows:

14 Art. 8253. BRANCH PILOT LICENSE. All branch pilots
15 appointed under and in accordance with this law or the rules and
16 regulations of such navigation district shall enter into bond with
17 one or more good and sufficient sureties in the sum of five
18 thousand dollars, payable to the Governor, conditioned upon the
19 faithful performance on any employee which together with any other
20 insurance under commissioners of such district, and shall be
21 deposited in the office of the Secretary of State. Each pilot
22 shall also take the official oath, which shall be endorsed on said
23 bond. Upon the filing of said bond, and the taking of said oath,
24 the commissioners of such district shall certify to the Governor
25 that each branch pilot has duly qualified to act as such, and
26 thereupon the Governor shall issue to said branch pilot, in the
27 name and under the state seal [~~of-the-State~~], a commission to serve

1 as branch pilot from such ports, across any intermediate bars, to
2 the open gulf; and said commission shall be for a term of four
3 years, unless such branch pilot shall be dismissed from service by
4 said navigation and canal commissioners, in which event such
5 commission shall expire.

6 SECTION 40. Section 4.06, Houston Pilots Licensing and
7 Regulatory Act (Article 8280a, Vernon's Texas Civil Statutes), is
8 amended to read as follows:

9 Sec. 4.06. ISSUANCE OF LICENSE. On filing of the bond and
10 oath provided by Section 4.09 of this Act, the board shall certify
11 to the governor that the branch pilot has duly qualified to act as
12 a branch pilot, and on receiving this certification, the governor
13 shall issue to the branch pilot, in the name and under the state
14 seal [~~of-the-state~~], a commission to serve as a branch pilot from
15 the ports within the jurisdiction of the board, across intermediate
16 bars, to and from the open gulf.

17 SECTION 41. Section 4.06(a), Galveston County Pilots
18 Licensing and Regulatory Act (Article 8280b, Vernon's Texas Civil
19 Statutes), is amended to read as follows:

20 (a) On filing of the bond and oath provided by Section 4.09
21 of this Act, the board shall certify to the governor that the
22 branch pilot has duly qualified to act as a branch pilot, and on
23 receiving this certification, the governor shall issue to the
24 branch pilot, in the name and under the state seal [~~of-the-state~~],
25 a commission to serve as a branch pilot from the ports within the
26 jurisdiction of the board, across intermediate bars, to and from
27 the open gulf.

1 SECTION 42. Section 4.06(a), Brazoria County Pilots
2 Licensing and Regulatory Act (Article 8280c, Vernon's Texas Civil
3 Statutes), is amended to read as follows:

4 (a) On filing of the bond and oath provided by Section 4.09
5 of this Act, the board shall certify to the governor that the
6 branch pilot has qualified to act as a branch pilot, and on
7 receiving this certification, the governor shall issue to the
8 branch pilot, in the name and under the state seal [~~of the--state~~],
9 a commission to serve as a branch pilot from the ports within the
10 jurisdiction of the board, across intermediate bars, to and from
11 the open gulf.

12 SECTION 43. The following laws are repealed:

13 (1) Articles 6139, 6140, 6141, and 6142, Revised
14 Statutes;

15 (2) Chapter 87, General Laws, Acts of the 43rd
16 Legislature, Regular Session, 1933 (Article 6142a, Vernon's Texas
17 Civil Statutes);

18 (3) Chapter 77, Acts of the 54th Legislature, Regular
19 Session, 1955 (Article 6142b, Vernon's Texas Civil Statutes);

20 (4) Section 11.05, State Purchasing and General
21 Services Act (Article 601b, Vernon's Texas Civil Statutes); and

22 (5) Section 17.07, Business & Commerce Code.

23 SECTION 44. This Act applies only to a license issued under
24 Section 17.08, Business & Commerce Code, on or after the effective
25 date of this Act. A license issued before the effective date of
26 this Act is governed by the law in effect at the time the license
27 was issued, and that law is continued in effect for this purpose.

1 SECTION 45. The change in the designation of the Great Seal
2 of the State of Texas, the seal of the secretary of state, or any
3 other seal under this Act does not affect the validity of any
4 document signed or any other act performed under seal before the
5 effective date of this Act.

6 SECTION 46. The change in law made by Section 43 of this Act
7 does not apply to a civil action commenced before the effective
8 date of this Act. A civil action commenced before the effective
9 date of this Act is covered by the law in effect when the action
10 was commenced, and the former law is continued in effect for this
11 purpose.

12 SECTION 47. The repeal of Section 11.05, State Purchasing
13 and General Services Act (Article 601b, Vernon's Texas Civil
14 Statutes), does not affect the validity of a contract entered into
15 under that section before the effective date of this Act.

16 SECTION 48. (a) The change in law made by Section 43 of
17 this Act does not apply to the prosecution of an offense committed
18 before the effective date of this Act. For purposes of this
19 section, an offense is committed before the effective date of this
20 Act if any element of the offense occurs before that date.

21 (b) An offense committed before the effective date of this
22 Act is covered by the law in effect when the offense was committed,
23 and the former law is continued in effect for this purpose.

24 SECTION 49. Each board, commission, department, institution,
25 office, or other agency of the state government, including an
26 institution of higher education as defined by Section 61.003,
27 Education Code, shall use the state flags, staffs, and finials and

1 any item bearing the Great Seal of Texas it has on the effective
2 date of this Act until those items are unserviceable.

3 SECTION 50. The importance of this legislation and the
4 crowded condition of the calendars in both houses create an
5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended.

1 By: Van de Putte (Senate Sponsor - Madla) H.B. No. 1463
 2 (In the Senate - Received from the House April 19, 1993;
 3 April 19, 1993, read first time and referred to Committee on
 4 International Relations, Trade, and Technology; April 28, 1993,
 5 reported favorably by the following vote: Yeas 9, Nays 0;
 6 April 28, 1993, sent to printer.)

7 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
8 Truan	x			
9 Barrientos	x			
10 Bivins	x			
11 Brown	x			
12 Carriker	x			
13 Harris of Tarrant	x			
14 Lucio	x			
15 Rosson	x			
16 Wentworth	x			

18 A BILL TO BE ENTITLED
 19 AN ACT

20 relating to the description and use of the state flag, the
 21 governor's flag, the state arms, and the state seal and to the
 22 adoption and rendition of the state song.

23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

24 SECTION 1. Title 106, Revised Statutes, is amended by adding
 25 Article 6139a to read as follows:

26 Art. 6139a. DESCRIPTION OF THE STATE FLAG. (a) The state
 27 flag is the 1839 national flag of the Republic of Texas.

28 (b) The state flag consists of a rectangle with a width to
 29 length ratio of two to three containing:

30 (1) a blue vertical stripe one-third the entire length
 31 of the flag wide, and two equal horizontal stripes, the upper
 32 stripe white, the lower red, each two-thirds the entire length of
 33 the flag long; and

34 (2) a white, regular five-pointed star in the center
 35 of the blue stripe, oriented so that one point faces upward, and of
 36 such a size that the diameter of a circle passing through the five
 37 points of the star is equal to three-fourths the width of the blue
 38 stripe.

39 (c) The red, white, and blue of the state flag stand,
 40 respectively, for bravery, purity, and loyalty.

41 (d) The red and blue colors of the state flag are the same
 42 colors used in the United States flag and are defined as numbers
 43 80108 (red) and 80075 (dark blue) of The Standard Color Reference
 44 of America, 10th edition.

45 (e) When displayed permanently mounted on a staff, as for
 46 indoor or parade use, the state flag may be decorated with gold
 47 fringe and its staff with gold cords and tassels.

48 (f) When the state flag is displayed on a staff, the staff
 49 should be at least 2-1/2 times as long as the flag's hoist, and the
 50 state flag should be attached to the staff's peak. The staff's
 51 finial should be either a lone star or a spearhead.

52 (g) The governor may prescribe additional rules with respect
 53 to the description of the state flag. The governor shall set forth
 54 any alterations or additional rules in an executive order published
 55 in the Texas Register.

56 SECTION 2. Title 106, Revised Statutes, is amended by adding
 57 Article 6139b to read as follows:

58 Art. 6139b. PLEDGE OF ALLEGIANCE TO THE STATE FLAG.

59 (a) The pledge of allegiance to the state flag is, "Honor the
 60 Texas flag; I pledge allegiance to thee, Texas, one and
 61 indivisible."

62 (b) The pledge of allegiance to the state flag should be
 63 rendered by all present except those in uniform by standing at
 64 attention facing the flag with the right hand over the heart.
 65 Individuals who are not in uniform and who are wearing a headdress
 66 that is easily removeable should remove their headdress with their

1 right hand and hold it at the left shoulder, with the hand over the
 2 heart. Individuals in uniform should remain silent, face the flag,
 3 and render the military salute.

4 (c) The pledge of allegiance to the state flag may be
 5 recited at all public and private meetings at which the pledge of
 6 allegiance to the United States flag is recited and at state
 7 historical events and celebrations.

8 (d) The pledge of allegiance to the state flag should be
 9 recited after the pledge of allegiance to the United States flag if
 10 both are recited.

11 SECTION 3. Title 106, Revised Statutes, is amended by adding
 12 Article 6139c to read as follows:

13 Art. 6139c. TEXAS FLAG CODE

14 Sec. 1. This article may be cited as the Texas Flag Code.

15 Sec. 2. The rules set out by Section 3 of this article
 16 govern the use of the state flag in this state.

17 Sec. 3. (a) The state flag normally should not be displayed
 18 outdoors earlier than sunrise or later than sunset. However, when
 19 a patriotic effect is desired, the state flag may be displayed 24
 20 hours a day if properly illuminated during the hours of darkness or
 21 may be displayed under the same circumstances as the United States
 22 flag may be displayed.

23 (b) The state flag should be hoisted briskly and lowered
 24 ceremoniously.

25 (c) The state flag should not be displayed on days when the
 26 weather is inclement unless a weatherproof flag is displayed.

27 (d) The state flag should be displayed on all state holidays
 28 and on special occasions of historical significance. Texas Flag
 29 Day shall be celebrated on March 2, Texas Independence Day.

30 (e) The state flag should be displayed daily on or near the
 31 main administration building of every state institution.

32 (f) The state flag, when carried in a procession with
 33 another flag or flags except the United States flag, should be
 34 either on the marching right, that is, the state flag's right, or,
 35 if there is a line of other flags, in front of the center of that
 36 line. When the state flag is carried in a procession in which the
 37 United States flag is carried, the United States flag should be on
 38 the marching right, that is, the United States flag's right, and
 39 the state flag should be on the United States flag's left.

40 (g) The state flag should not be displayed on a float in a
 41 parade except from a staff or as provided in Subsection (o) of this
 42 section.

43 (h) The state flag should not be draped over the hood, top,
 44 side, or back of any vehicle, railroad train, boat, or aircraft.
 45 When the state flag is displayed on a motor vehicle, the staff
 46 should be fixed firmly to the chassis or clamped to the right
 47 fender. If the United States flag is also displayed, its staff
 48 should be clamped to the right fender, and the state flag's staff
 49 should be clamped to the left fender.

50 (i) No flag or pennant other than the United States flag
 51 should be placed above or, if on the same level, to the state
 52 flag's right, that is, the observer's left. When the state and
 53 United States flags are displayed at the same time, they should be
 54 flown on flagpoles of the same height, and the flags should be of
 55 approximately equal size. The United States flag should be
 56 displayed to the United States flag's right, that is, the
 57 observer's left. However, when it is necessary for the state and
 58 United States flags to be flown from the same flagpole, the state
 59 flag should be displayed underneath the United States flag. When
 60 the state flag is displayed on a separate flagpole from the United
 61 States flag, the state flag should be hoisted after the United
 62 States flag is hoisted and lowered before the United States flag is
 63 lowered.

64 (j) When the state flag is displayed with another flag,
 65 other than the United States flag, against a wall from crossed
 66 staffs, the state flag should be on the state flag's right, that
 67 is, the observer's left, and its staff should be in front of the
 68 staff of the other flag. When the state and United States flags
 69 are displayed against a wall from crossed staffs, the state flag
 70 should be on the United States flag's left, that is, the observer's

1 right, and behind the staff of the United States flag.

2 (k) The state flag should be at the center and at the
3 highest point of a group when a number of flags or pennants of
4 municipalities, localities, organizations, or corporations are
5 grouped and displayed from staffs.

6 (l) When flags or pennants of municipalities, localities,
7 organizations, or corporations are flown on the same halyard with
8 the state flag, the latter should always be at the peak. When the
9 flags are flown from adjacent staffs, the state flag should be
10 hoisted first and lowered last. Those flags or pennants may not be
11 placed above the state flag or to the state flag's right, that is,
12 the observer's left.

13 (m) When the state flag is displayed with the flags of other
14 states of the United States, nations other than the United States,
15 and international organizations, the state flag should be displayed
16 on the state flag's right, that is, the observer's left, on a
17 separate flagpole or staff. This subsection does not apply to the
18 United States or any agency of the United States, including the
19 armed services, when federal law, custom, or practice dictates
20 otherwise. The state flag should not be displayed above the flags
21 of other states of the United States, nations, and international
22 organizations on the same flagpole, and the state flag should not
23 be displayed from a higher flagpole or staff.

24 (n) When the state flag is displayed from a staff projecting
25 horizontally or at an angle from a windowsill, balcony, or front of
26 a building, the top of the flag should be placed at the peak of the
27 staff unless the flag is at half-staff. When the state flag is
28 suspended over a sidewalk from a rope extending from a house to a
29 pole at the edge of the sidewalk, the flag should be hoisted out,
30 white stripe first, from the building.

31 (o) When the state flag is displayed horizontally, the white
32 stripe should be uppermost and to the state flag's left, that is,
33 to the observer's right. When displayed in a window, the state
34 flag should be displayed in the same way, with the blue stripe to
35 the left of an observer who is outside the window. When the state
36 flag is displayed vertically, the blue stripe should be uppermost
37 and the white stripe should be to the state flag's right, that is,
38 to the observer's left.

39 (p) When the state flag is displayed over the middle of a
40 street, it should be suspended vertically with the blue stripe
41 uppermost and the white stripe to the north in an east and west
42 street, or with the white stripe to the east in a north and south
43 street.

44 (q) When used on a speaker's platform, the state flag, if
45 displayed flat, should be displayed above and behind the speaker.
46 If both the state and United States flags are displayed on a
47 speaker's platform at the same time, the state flag should be on
48 the state flag's left, that is, the observer's right, while the
49 United States flag should be on the United States flag's right,
50 that is, the observer's left.

51 (r) The state flag should form a distinctive feature of the
52 ceremony of unveiling a statue or monument, but it should never be
53 used as the covering for the statue or monument.

54 (s) The state flag, when flown at half-staff, should be
55 first hoisted to the peak of the flagpole for an instant and then
56 lowered to the half-staff position. The state flag should be again
57 raised to the peak before it is lowered for the day. On Memorial
58 Day the state flag should be displayed at half-staff until noon
59 only, then raised to the peak of the flagpole. By order of the
60 governor, the state flag shall be flown at half-staff on the death
61 of an individual as a mark of respect to the individual's memory.

62 (t) When the state flag is used to cover a casket, it should
63 be so placed that the blue stripe is at the head and the white
64 stripe is over the left shoulder, that is, the observer's right.
65 The state flag should not be lowered into the grave or allowed to
66 touch the ground.

67 (u) When the state flag is suspended across a corridor or
68 lobby in a building with only one main entrance, it should be
69 suspended vertically with the white stripe of the flag to the
70 observer's left on entering. If the building has more than one

1 main entrance, the state flag should be suspended vertically near
 2 the center of the corridor or lobby with the white stripe to the
 3 north, when entrances are to the east and west, or to the east,
 4 when entrances are to the north and south. If there are entrances
 5 in more than two directions, the white stripe should be to the
 6 east.

7 (v) The state flag should not be dipped to any person or
 8 thing except as a mark of honor for the United States flag.

9 (w) When the state flag is displayed from a flagpole or
 10 staff, the white stripe should always be at the top of the flag,
 11 except as a signal of dire distress in instances of extreme danger
 12 to life or property.

13 (x) The state flag should not touch anything beneath it,
 14 such as the ground or the floor, and should not trail in water.

15 (y) The state flag should, when practicable, not be carried
 16 flat or horizontally, but aloft and free.

17 (z) The state flag should not be used as bedding or drapery.
 18 It should not be festooned, drawn back, or up, in folds, but always
 19 allowed to fall free. Bunting of blue, white, and red, always
 20 arranged with the blue above, the white in the middle, and the red
 21 below, should be used instead of the state flag for covering a
 22 speaker's desk, for draping the front of a platform, and for
 23 decoration in general.

24 (aa) The state flag should not be fastened, displayed, used,
 25 or stored in a manner that it can be easily torn, soiled, or
 26 damaged in any way.

27 (bb) The state flag should not be used as a covering for a
 28 ceiling.

29 (cc) The state flag should not have placed on any part of
 30 it, or attached to it, any mark, insignia, letter, word, figure,
 31 design, picture, or drawing of any nature.

32 (dd) The state flag should not be used as a receptacle for
 33 receiving, holding, carrying, or delivering anything.

34 (ee) Advertisements should not be fastened to a staff or
 35 halyard from which the state flag is flown.

36 (ff) The state flag, when it is in such a condition that it
 37 is no longer a fitting emblem for display, should be destroyed in a
 38 dignified way, preferably by burning.

39 (gg) During the ceremony of hoisting or lowering the state
 40 flag or when the state flag is passing in a parade or in review,
 41 all individuals present except those in uniform should face the
 42 state flag and stand at attention with the right hand over the
 43 heart. Those present in uniform should render the military salute.
 44 When not in uniform, individuals who are wearing a headdress that
 45 is easily removeable should remove their headdress with their right
 46 hand and hold it at the left shoulder, with the hand over the
 47 heart. Individuals who are not citizens of this state should stand
 48 at attention. The salute to the state flag in a moving column
 49 should be rendered at the moment the state flag passes.

50 Sec. 4. The governor may alter, modify, or repeal any rule
 51 relating to the display of the state flag set forth in Section 3 or
 52 may prescribe additional rules with respect to the display of the
 53 state flag. The governor shall set forth any alterations or
 54 additional rules in an executive order published in the Texas
 55 Register.

56 Sec. 5. (a) A governmental subdivision or agency may not
 57 enact or enforce a law that prohibits:

58 (1) the display of a municipal flag, the state flag,
 59 the flag of another state of the United States, the United States
 60 flag, or the flag of a nation other than the United States; or

61 (2) any conduct covered by this article.

62 (b) This section does not apply to an action by a
 63 governmental subdivision or agency to enact or enforce a law
 64 established to protect the public health and safety.

65 SECTION 4. Title 106, Revised Statutes, is amended by adding
 66 Article 6139d to read as follows:

67 Art. 6139d. FLAG OF THE GOVERNOR. The governor may adopt a
 68 flag for the governor's official use. The governor shall set forth
 69 the description of the flag in an executive order published in the
 70 Texas Register.

SECTION 5. Title 106, Revised Statutes, is amended by adding Article 6139e to read as follows:

Art. 6139e. STATE SONG. (a) The state song is "Texas, Our Texas" by William J. Marsh and Gladys Yoakum Wright:

Texas, our Texas! All hail the mighty State!
Texas, our Texas! So wonderful so great!
Boldest and grandest, Withstanding ev'ry test;
O Empire wide and glorious, You stand supremely blest.

Refrain

God bless you Texas! And keep you brave and strong,
That you may grow in power and worth, Thro'out the
ages long.

Texas, O Texas! Your freeborn single star,
Sends out its radiance to nations near and far.
Emblem of freedom! It sets our hearts aglow,
With thoughts of San Jacinto and glorious Alamo.

Refrain

Texas, dear Texas! From tyrant grip now free,
Shines forth in splendor your star of destiny!
Mother of heroes! We come your children true,
Proclaiming our allegiance, our faith, our love for you.

Refrain

(b) During the rendition of the state song when the state flag is displayed, all individuals present except those in uniform should stand at attention facing the state flag with the right hand over the heart. Those present in uniform should render the military salute at the first note of the state song and retain this position until the last note. When not in uniform, individuals who are wearing a headdress that is easily removeable should remove their headdress with their right hand and hold it at the left shoulder, with the hand over the heart. Individuals who are not citizens of this state should stand at attention.

(c) When the state flag is not displayed, those present should face toward the music and act in the same manner as they would if the state flag were displayed there.

(d) The state song should be rendered after the national anthem if both are rendered.

SECTION 6. Title 106, Revised Statutes, is amended by adding Article 6139f to read as follows:

Art. 6139f. STATE SEAL; STATE ARMS. (a) The state seal is as provided by Article IV, Section 19, of the Texas Constitution.

(b) The reverse of the state seal contains a shield, displaying a depiction of the Alamo, the cannon of the Battle of Gonzales, and Vince's Bridge. The shield is encircled by live oak and olive branches, and the unfurled flags of the Kingdom of France, the Kingdom of Spain, the United Mexican States, the Republic of Texas, the Confederate States of America, and the United States of America. Above the shield is emblazoned the motto, "REMEMBER THE ALAMO," and beneath it are the words, "TEXAS ONE AND INDIVISIBLE," with a white five-pointed star hanging over the shield, centered between the flags.

(c) The state arms are a white star of five points, on an azure ground, encircled by olive and live oak branches.

(d) The secretary of state, by rule, shall adopt standard designs for the state seal, the reverse of the state seal, and the state arms.

(e) A law that requires the use of the state seal does not require the use of the state arms or the reverse of the state seal.

SECTION 7. Section 2.02, Education Code, is amended to read as follows:

Sec. 2.02. THE FLYING OF THE STATE FLAG. On all regular school days, every school and other educational institution covered by this code shall fly the state [Texas] flag in accordance with the Texas Flag Code, Article 6139c, Revised Statutes [general-rules governing-its-use].

SECTION 8. Section 17.08, Business & Commerce Code, is amended to read as follows:

Sec. 17.08. PRIVATE USE OF STATE [GREAT] SEAL [OF--TEXAS].

(a) In this section:

(1) "Commercial purpose" means a purpose that is

intended to result in a profit or other tangible benefit but does not include:

(A) [an] official use of the state seal or a representation of the state seal in a state function;

(B) [or--the] use of the state seal [Great-Seal of-Texas] or a representation of the state seal [Great--Seal--of Texas] for a political purpose by an elected official of this state;

(C) use of the state seal or a representation of the state seal in an encyclopedia, dictionary, book, journal, pamphlet, periodical, magazine, or newspaper incident to a description or history of seals, coats of arms, heraldry, or this state;

(D) use of the state seal or a representation of the state seal in a library, museum, or educational facility incident to descriptions or exhibits relating to seals, coats of arms, heraldry, or this state;

(E) use of the state seal or a representation of the state seal in a theatrical, motion-picture, television, or similar production for a historical, educational, or newsworthy purpose; or

(F) use of the state seal or a representation of the state seal for another historical, educational, or newsworthy purpose if authorized in writing by the secretary of state.

(2) "Representation of the state seal [Great--Seal--of Texas]" includes a nonexact representation that the secretary of state determines is deceptively similar to the state seal. [Great Seal-of-Texas;]

(3) "Official use" means the use of the state seal [Great-Seal-of-Texas] by an officer or employee of this state in performing a state function.[;]

(4) "State function" means a state governmental activity authorized or required by law.

(5) "State seal" means the state seal, the reverse of the state seal, and the state arms as defined by Article 6139f, Revised Statutes.

(b) Except as otherwise provided by this section, a person may not use a representation of the state seal [Great-Seal-of Texas]:

(1) to advertise or publicize tangible personal property or a commercial undertaking; or

(2) for another commercial purpose.

(c) A person may use a representation of the state seal [Great-Seal-of-Texas] for a commercial purpose if the person obtains a license from the secretary of state for that use. The secretary of state, under the authority vested in the secretary as custodian of the seal under Article IV, Section 19, of the Texas Constitution, shall issue a license to a person who applies for a license on a form provided by the secretary of state and who pays the fees required under this section if the secretary of state determines that the use is in the best interests of the state and not detrimental to the image of the state. A license issued under this section expires one year after the date of issuance and may be renewed.

(d) The secretary of state shall adopt rules relating to the use of the state seal [Great-Seal-of-Texas] by a person licensed under this section. The secretary of state shall adopt the rules in the manner provided by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(e) The application fee for a license under this section is \$35. The license fee for an original or renewal license is \$250. In addition to those fees, each licensee shall pay an amount equal to three percent of the licensee's annual gross receipts related to the licensed use in excess of \$5,000 to the state as a royalty fee.

(f) A person licensed under this section shall maintain records relating to the licensee's use of the state seal [Great Seal-of-Texas] in the manner required by the rules of the secretary of state. The secretary of state may examine the records during reasonable business hours to determine the licensee's compliance with this section. Each licensee shall display the license in a

1 conspicuous manner in the licensee's office or place of business.

2 (g) The secretary of state may suspend or revoke a license
3 issued under this section for failure to comply with this section
4 or the rules adopted under this section. The secretary of state
5 may bring a civil action to enjoin a violation of this section or
6 the rules adopted under this section.

7 (h) A person who reproduces an official document bearing the
8 state seal [~~Great-Seal-of-Texas~~] does not violate Subsection (b) of
9 this section if the document is:

10 (1) reproduced in complete form; and

11 (2) used for a purpose related to the purpose for
12 which the document was issued by the state.

13 (i) A person who violates a provision of Subsection (b) of
14 this section commits an offense. An offense under this section is
15 a Class C misdemeanor.

16 (j) A person who violates Subsection (b) of this section
17 commits a separate offense each day that the person violates a
18 provision of that subsection.

19 SECTION 9. Sections 9A(a) and (b), State Aircraft Pooling
20 Act (Article 4413(34b), Vernon's Texas Civil Statutes), are amended
21 to read as follows:

22 (a) Except as provided by Subsection (c) of this section,
23 all aircraft owned or leased by the state shall be marked:

24 (1) with the [~~Texas~~] state seal on each side of the
25 aircraft's vertical stabilizer; and

26 (2) with the words "The State of Texas" on each side
27 of the aircraft's fuselage.

28 (b) The board shall, consistent with federal regulations and
29 Article 6139f, Revised Statutes, and its subsequent amendments,
30 adopt rules governing the color, size, and location of marks of
31 identification required by this section.

32 SECTION 10. Section 30, The Securities Act (Article 581-30,
33 Vernon's Texas Civil Statutes), is amended to read as follows:

34 Sec. 30. CERTIFIED COPIES OF PAPERS FILED WITH COMMISSIONER
35 AS EVIDENCE. Copies of all papers, instruments, or documents filed
36 in the office of the Commissioner, certified by the Commissioner,
37 shall be admitted to be read in evidence in all courts of law and
38 elsewhere in this state in all cases where the original would be
39 admitted in evidence; provided, that in any proceeding in the court
40 having jurisdiction, the court may, on cause shown, require the
41 production of the originals.

42 The Commissioner shall assume custody of all records of the
43 Securities Divisions within the offices of the Secretary of State
44 and of the Board of Insurance Commissioners, and henceforth these
45 prior records shall be proven under certificate of the
46 Commissioner.

47 In any prosecution, action, suit or proceeding before any of
48 the several courts of this state based upon or arising out of or
49 under the provisions of this Act, a certificate under the state
50 seal [~~of-the-state~~], duly signed by the Commissioner, showing
51 compliance or non-compliance with the provisions of this Act
52 respecting compliance or non-compliance with the provisions of this
53 Act by any dealer or salesman, shall constitute prima facie
54 evidence of such compliance or of such non-compliance with the
55 provisions of this Act, as the case may be, and shall be admissible
56 in evidence in any action at law or in equity to enforce the
57 provisions of this Act.

58 SECTION 11. Section 3, Texas Uniform Facsimile Signature of
59 Public Officials Act (Article 717j-1, Vernon's Texas Civil
60 Statutes), is amended to read as follows:

61 Sec. 3. FACSIMILE SEAL. When the state seal [~~of-this~~
62 state], the seal of any of the state's [~~its~~] political
63 subdivisions, or the seal of any department, agency, or other
64 instrumentality of this state or its political subdivisions is
65 required in the execution, authentication, certification, or
66 endorsement of a public security, eligible contract, instrument of
67 payment or certificate of assessment, the authorized officer may
68 cause the seal to be printed, engraved, lithographed, stamped, or
69 otherwise placed in facsimile thereon. The facsimile seal has the
70 same legal effect as the impression of the seal.

1 SECTION 12. Section 4.058, Public Facility Corporation Act
2 (Article 717s, Revised Statutes), is amended to read as follows:

3 Sec. 4.058. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
4 following documents shall be received by a court, public office, or
5 official body as prima facie evidence of the facts, or the
6 existence or nonexistence of the facts, stated in the document:

7 (1) a certificate issued by the secretary of state
8 under this article;

9 (2) a copy, certified by the secretary of state, of a
10 document filed in the office of the secretary of state under this
11 article; and

12 (3) a certificate of the secretary of state under the
13 state seal [~~Great--Seal--of--Texas~~] as to the existence or
14 nonexistence of a fact relating to a corporation that would not
15 appear from a document or certificate under Subdivision (1) or (2)
16 of this section.

17 SECTION 13. Section 9.06, Texas Non-Profit Corporation Act
18 (Article 1396-9.06, Vernon's Texas Civil Statutes), is amended to
19 read as follows:

20 Sec. 9.06. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED
21 IN EVIDENCE. A. All certificates issued by the Secretary of State
22 in accordance with the provisions of this Act, and all copies of
23 documents filed in his office, in accordance with the provisions of
24 this Act when certified by him, shall be taken and received in all
25 courts, public offices, and official bodies as prima facie evidence
26 of the facts therein stated and may be officially recorded. A
27 certificate by the Secretary of State under the state [~~great~~] seal
28 [~~of--this-State~~], as to the existence or non-existence of the facts
29 relating to corporations which would not appear from a certified
30 copy of any of the foregoing documents or certificates shall be
31 taken and received in all courts, public offices, and official
32 bodies as prima facie evidence of the existence or non-existence of
33 the facts therein stated.

34 SECTION 14. Section 8, Electric Cooperative Corporation Act
35 (Article 1528b, Vernon's Texas Civil Statutes), is amended to read
36 as follows:

37 Sec. 8. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
38 INCORPORATION. When the incorporators of any corporation shall
39 furnish satisfactory evidence to the Secretary of State of a
40 compliance with the provisions of this Act, said officer shall
41 receive, file, and record the articles of incorporation of such
42 corporation in his office, upon application and payment of all fees
43 therefor, and give a certificate showing the recording of such
44 articles and authority to do business thereunder. The articles
45 shall thereupon be filed in the office of the Secretary of State,
46 who shall record same at length in a book to be kept for that
47 purpose, and retain the original on file in his office. A copy of
48 the articles, or of the record thereof, certified under the state
49 seal [~~Great-Seal-of-the-State~~], shall be evidence of the creation
50 of the corporation. The existence of the corporation shall date
51 from the filing of the articles in the office of the Secretary of
52 State. The certificate of the Secretary of State shall be evidence
53 of such filing.

54 SECTION 15. Section 7, Telephone Cooperative Act (Article
55 1528c, Vernon's Texas Civil Statutes), is amended to read as
56 follows:

57 Sec. 7. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
58 INCORPORATION. When the incorporators of any corporation shall
59 furnish satisfactory evidence to the Secretary of State of a
60 compliance with the provisions of this Act, said officer shall
61 receive, file, and record the articles of incorporation of such
62 corporation in his office, upon application and payment of all fees
63 therefor, and give a certificate showing the recording of such
64 articles and authority to do business thereunder. The articles
65 shall thereupon be filed in the office of the Secretary of State,
66 who shall record same at length in a book to be kept for that
67 purpose, and retain the original on file in his office. A copy of
68 the articles, or of the record thereof, certified under the state
69 seal [~~Great-Seal-of-the-State~~], shall be evidence of the creation
70 of the corporation. The existence of the corporation shall date

1 from the filing of the articles in the office of the Secretary of
2 State. The certificate of the Secretary of State shall be evidence
3 of such filing.

4 SECTION 16. Section 1, Chapter 65, Acts of the 43rd
5 Legislature, 2nd Called Session, 1934 (Article 2606a, Vernon's
6 Texas Civil Statutes), is amended to read as follows:

7 Sec. 1. The Governor of the State of Texas is hereby
8 authorized to have printed manuscript bonds of the State of Texas
9 in convenient denominations to be determined by him for the purpose
10 of refunding the principal of the bonds hereinafter mentioned.
11 Said bonds shall be designated "State of Texas Refunding Bonds,
12 Issue of 1934." Said bonds shall be numbered and dated as
13 hereinafter indicated and shall bear the rate of interest
14 hereinafter fixed, and shall become due and payable on the dates
15 hereinafter shown. Interest paying dates on the various bonds
16 authorized herein shall be fixed as hereinafter indicated. The
17 form of such bonds shall be prepared by the Attorney General. Each
18 of them shall be signed by the Governor and the Treasurer of the
19 State of Texas and countersigned and registered by the Comptroller,
20 and shall have the state seal [~~of Texas~~] affixed thereto.

21 SECTION 17. Article 4012, Revised Statutes, is amended to
22 read as follows:

23 Art. 4012. EVIDENCE OF AUTHORITY. Any veteran of any of the
24 wars mentioned in this title, their wives, widows or members of
25 their families, and any minister of religion, or any fireman,
26 sister of charity or member of any religious society of like
27 character, who desires to receive the benefits of free or reduced
28 transportation as mentioned in this title shall present to the
29 president, manager, officer, or person authorized to issue such
30 transportation satisfactory evidence that he or she is entitled
31 thereto, as herein provided. The officers entitled to the benefits
32 of this law shall, when presenting themselves to the agent of any
33 such railway or interurban railway company for the purchase of a
34 ticket or to pay his fare, exhibit to such agent in case of the
35 Adjutant General and State Rangers a certificate of the Secretary
36 of State under the state seal, in case of sheriffs and constables
37 and their deputies a certificate under seal of the county judge of
38 the county where they hold office and in case of officers of a city
39 or town a certificate under seal of the mayor of such city or town
40 stating that such person is entitled to the reduced fare herein
41 provided for. Sheriffs and constables shall designate in writing
42 the two deputies entitled to the reduced rates herein provided for.
43 If the sheriff or constable has designated two deputies who are
44 entitled to such reduced rates, then no deputy of such sheriff or
45 constable shall be entitled to free transportation under the
46 provisions of the pass laws of this State.

47 SECTION 18. Section 5, Chapter 94, Acts of the 51st
48 Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas
49 Civil Statutes), is amended to read as follows:

50 Sec. 5. The Board shall preserve a record of its proceedings
51 in a book kept for that purpose, showing name, age, place, and
52 duration of residence of each applicant, the time spent in the
53 study of chiropractic in respective chiropractic schools, together
54 with such other information as the Board may desire to record.
55 Said register shall also show whether applicants were rejected or
56 licensed and shall be prima-facie evidence of all matters contained
57 therein. The secretary of the Board shall on May 1st of each year
58 transmit an official copy of said register to the Secretary of
59 State for permanent record, a certified copy of which, with hand
60 and seal of the secretary of said Board or the hand of the
61 Secretary of State under the state seal, shall be admitted in
62 evidence in all courts.

63 SECTION 19. Subdivision (2), Subsection E, Section 2,
64 Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953
65 (Article 4582b, Vernon's Texas Civil Statutes), is amended to read
66 as follows:

67 (2) The commission shall file annually with the
68 Governor a list of the names of all duly licensed funeral
69 directors, embalmers, and funeral establishments. A copy shall be
70 filed with the Secretary of State for permanent record, a certified

1 copy of which, under the hand [~~and-seal~~] of the Secretary of State
2 and the state seal, shall be admissible as evidence in all courts.

3 SECTION 20. Section 5, Chapter 104, Acts of the 48th
4 Legislature, Regular Session, 1943 (Article 5154a, Vernon's Texas
5 Civil Statutes), is amended to read as follows:

6 Sec. 5. ORGANIZERS. All labor union organizers operating in
7 the State of Texas shall be required to file with the Secretary of
8 State, before soliciting any members for his organization, a
9 written request by United States mail, or shall apply in person for
10 an organizer's card, stating (a) his name in full; (b) his labor
11 union affiliations, if any; (c) describing his credentials and
12 attaching thereto a copy thereof, which application shall be signed
13 by him. Upon such applications being filed, the Secretary of State
14 shall issue to the applicant a card on which shall appear the
15 following: (1) the applicant's name; (2) his union affiliation;
16 (3) a space for his personal signature; (4) a designation, "labor
17 organizer"; and, (5) the signature of the Secretary of State, dated
18 and attested by the state [~~his~~] seal [~~of-office~~]. Such organizer
19 shall at all times, when soliciting members, carry such card, and
20 shall exhibit the same when requested to do so by a person being so
21 solicited for membership.

22 SECTION 21. Section 7(a), Chapter 111, Acts of the 61st
23 Legislature, Regular Session, 1969 (Article 6144h, Vernon's Texas
24 Civil Statutes), is amended to read as follows:

25 (a) The decoration shall display the state seal [~~Great-Seal~~
26 ~~of-the-State-of-Texas~~] with the words "Distinguished Service Medal"
27 engraved in a circle thereon, and shall be suspended from a bar of
28 red, white, and blue.

29 SECTION 22. Article 6265, Revised Statutes, is amended to
30 read as follows:

31 Art. 6265. BEGINNING OF EXISTENCE. The existence of such
32 corporation shall date from the filing of the articles of
33 incorporation in the office of the Secretary of State, and the
34 certificate of the Secretary of State under the state seal [~~of-the~~
35 ~~State~~], shall be evidence of such filing.

36 SECTION 23. Article 6528, Revised Statutes, is amended to
37 read as follows:

38 Art. 6528. REGISTERING BONDS. When such bonds shall be
39 presented to the Secretary of State with said direction to
40 register, he shall register said bonds by entering a description
41 thereof in a book to be kept for that purpose, which shall show the
42 date, number, amount, when due, the rate of interest on each bond,
43 and also the date when the same is registered. The Secretary of
44 State shall indorse on each bond, under the state seal [~~of-his~~
45 ~~office~~] and his official signature, together with the date thereof,
46 as follows: "This bond is registered under the direction of the
47 Railroad Commission of Texas." Provided, however, that at the
48 direction of the Secretary of State the state [~~his-said~~] seal may
49 be a facsimile seal in lieu of the [~~his~~] manually impressed state
50 seal and his said signature may be his facsimile signature in lieu
51 of his manual signature. No bond or other evidence of debt,
52 hereafter issued by or under the authority of any person, firm,
53 corporation, court, or railroad company, whereby a lien is created
54 on its franchise or property situated in this State, shall be valid
55 or have any force until the same has been registered as required
56 herein.

57 SECTION 24. Section 201.048(d), Agriculture Code, is amended
58 to read as follows:

59 (d) The secretary of state shall make and issue to the
60 directors a certificate, under the state seal [~~of-this--state~~], of
61 the due organization of the conservation district. The secretary
62 shall record the certificate with the application and statement.

63 SECTION 25. Article 9.05, Texas Business Corporation Act, is
64 amended to read as follows:

65 Art. 9.05. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED
66 IN EVIDENCE. A. All certificates issued by the Secretary of State
67 in accordance with the provisions of this Act, and all copies of
68 documents filed in his office in accordance with the provisions of
69 this Act, when certified by him, shall be taken and received in all
70 courts, public offices, and official bodies as prima facie evidence

1 of the facts therein stated, and shall be subject to recordation.
 2 A certificate by the Secretary of State, under the state [great]
 3 seal [~~of--this-State~~], as to the existence or non-existence of the
 4 facts relating to corporations which would not appear from a
 5 certified copy of any of the foregoing documents or certificates
 6 shall be taken and received in all courts, public offices, and
 7 official bodies as prima facie evidence of the existence or
 8 non-existence of the facts therein stated.

9 SECTION 26. Article 48.03, Code of Criminal Procedure, is
 10 amended to read as follows:

11 Art. 48.03. GOVERNOR'S ACTS UNDER SEAL. All remissions of
 12 fines and forfeitures, and all reprieves, commutations of
 13 punishment and pardons, shall be signed by the Governor, and
 14 certified by the Secretary of State, under the state [great] seal
 15 [~~of--State~~], and shall be forthwith obeyed by any officer to whom
 16 the same may be presented.

17 SECTION 27. Section 22, Article 51.13, Code of Criminal
 18 Procedure, is amended to read as follows:

19 Sec. 22. FUGITIVES FROM THIS STATE; DUTY OF GOVERNOR.
 20 Whenever the Governor of this State shall demand a person charged
 21 with crime or with escaping from confinement or breaking the terms
 22 of his bail, probation or parole in this State, from the Executive
 23 Authority of any other State, or from the Chief Justice or an
 24 Associate Justice of the Supreme Court of the District of Columbia
 25 authorized to receive such demand under the laws of the United
 26 States, he shall issue a warrant under the state seal [~~of--this~~
 27 ~~State~~], to some agent, commanding him to receive the person so
 28 charged if delivered to him and convey him to the proper officer of
 29 the county in this State in which the offense was committed, or in
 30 which the prosecution for such offense is then pending.

31 SECTION 28. Section 52.11(h), Education Code, is amended to
 32 read as follows:

33 (h) The bonds shall be executed on behalf of the
 34 coordinating board, or its successor, as general obligations of the
 35 State of Texas in the following manner: They shall be signed by
 36 the chairman or vice chairman and the secretary of the board, and
 37 the seal of the board shall be impressed on them. They shall be
 38 signed by the governor and attested by the secretary of state and
 39 the state seal [~~of-the-state~~] impressed on them. The resolution
 40 authorizing the issuance of any installment or series of bonds may
 41 prescribe the extent to which facsimile signatures and facsimile
 42 seals may be used in executing the bonds and appurtenant coupons.
 43 Interest coupons may be signed with the facsimile signatures of the
 44 chairman or vice chairman and the secretary of the board. In the
 45 event any officer whose manual or facsimile signature appears on
 46 any bond or coupon ceases to hold that office before the delivery
 47 of the bond or coupon, the signature will nevertheless be valid and
 48 sufficient for all purposes as if he had remained in office until
 49 the delivery had been made.

50 SECTION 29. Section 88.204, Education Code, is amended to
 51 read as follows:

52 Sec. 88.204. SALE OF STATIONS. If property used in the
 53 operation of a station is sold, the title to the property shall not
 54 pass from this state until a deed of conveyance is made to the
 55 purchaser, duly signed by the governor and attested by the
 56 secretary of state under the state [~~his-official~~] seal. All funds
 57 received from the sale of station lands or property shall be
 58 deposited in the state treasury and shall be paid out in accordance
 59 with the provisions of this subchapter.

60 SECTION 30. Section 255.006(c), Election Code, is amended to
 61 read as follows:

62 (c) A person other than an officeholder commits an offense
 63 if the person knowingly uses a representation of the state seal
 64 [~~Great-Seal-of-Texas~~] in political advertising.

65 SECTION 31. Section 441.059(a), Government Code, is amended
 66 to read as follows:

67 (a) The records preservation officer shall prescribe the
 68 place and manner of safekeeping of essential records or
 69 preservation duplicates and shall establish storage facilities for
 70 the records and duplicates. At least one copy of each essential

1 record and a duplicate state seal [~~of-the-state~~] shall be stored in
 2 the safest possible location in facilities constructed to withstand
 3 blast, fire, water, and other destructive forces. The facilities
 4 must be in a place other than the legally designated or customary
 5 storage location for the records or duplicates. The records
 6 preservation officer shall properly maintain essential records and
 7 preservation duplicates that the records preservation officer
 8 stores.

9 SECTION 32. Section 465.025(d), Government Code, is amended
 10 to read as follows:

11 (d) The bonds may be issued in the form and denominations
 12 and executed in the manner and under the terms, conditions, and
 13 details determined by the commission or a financing corporation, as
 14 applicable, in the resolution authorizing their issuance. The
 15 bonds issued by the commission must be signed on behalf of the
 16 state by the governor, have the state seal [~~of-the-state~~] impressed
 17 on them, and be attested by the secretary of state. If any officer
 18 whose manual or facsimile signature appears on the bonds ceases to
 19 be an officer, the signature is still valid and sufficient for all
 20 purposes as if the officer had remained in office.

21 SECTION 33. Section 221.104, Health and Safety Code, is
 22 amended to read as follows:

23 Sec. 221.104. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
 24 following documents shall be received by a court, public office, or
 25 official body as prima facie evidence of the facts, or the
 26 existence or nonexistence of the facts, stated in the document:

27 (1) a certificate issued by the secretary of state
 28 under this chapter;

29 (2) a copy, certified by the secretary of state, of a
 30 document filed in the office of the secretary of state under this
 31 chapter; and

32 (3) a certificate of the secretary of state under the
 33 state seal [~~Great--Seal--of--Texas~~] as to the existence or
 34 nonexistence of a fact relating to a development corporation that
 35 would not appear from a document or certificate under Subdivision
 36 (1) or (2).

37 SECTION 34. Section 345.063(b), Health and Safety Code, is
 38 amended to read as follows:

39 (b) The stamps must contain:

40 (1) a replica of the state seal [~~Great-Seal-of-Texas~~];

41 (2) the registry number, the serial numbers, or both;
 42 and

43 (3) any other information as determined by the
 44 department.

45 SECTION 35. Section 51.243(a), Natural Resources Code, is
 46 amended to read as follows:

47 (a) Each patent for land from the state shall be issued in
 48 the name and by authority of the state under the state seal [~~of-the~~
 49 ~~state~~] and the land office seal and shall be signed by the governor
 50 and countersigned by the commissioner.

51 SECTION 36. Section 161.116(b), Natural Resources Code, is
 52 amended to read as follows:

53 (b) The bonds shall be signed by the chairman and the
 54 secretary of the board and the seal of the board shall be impressed
 55 on the bonds. In addition, the bonds shall be signed by the
 56 governor and attested by the Secretary of State with the state seal
 57 [~~of-the-state~~] impressed on the bonds.

58 SECTION 37. Section 162.036(b), Natural Resources Code, is
 59 amended to read as follows:

60 (b) The bonds shall be signed by the chairman and the
 61 secretary of the board and the seal of the board shall be impressed
 62 on the bonds. In addition, the bonds shall be signed by the
 63 governor and attested by the secretary of state with the state seal
 64 [~~of-the-state~~] impressed on the bonds.

65 SECTION 38. Section 171.355(d), Tax Code, is amended to read
 66 as follows:

67 (d) The failure of the secretary of state to mail a copy of
 68 legal process to a corporation does not affect the validity of the
 69 service of process. It is competent and sufficient proof of the
 70 service of process that the secretary of state certifies under the

1 state [secretary's-official] seal the receipt of the process.

2 SECTION 39. Article 8253, Revised Statutes, is amended to
3 read as follows:

4 Art. 8253. BRANCH PILOT LICENSE. All branch pilots
5 appointed under and in accordance with this law or the rules and
6 regulations of such navigation district shall enter into bond with
7 one or more good and sufficient sureties in the sum of five
8 thousand dollars, payable to the Governor, conditioned upon the
9 faithful performance on any employee which together with any other
10 insurance under commissioners of such district, and shall be
11 deposited in the office of the Secretary of State. Each pilot
12 shall also take the official oath, which shall be endorsed on said
13 bond. Upon the filing of said bond, and the taking of said oath,
14 the commissioners of such district shall certify to the Governor
15 that each branch pilot has duly qualified to act as such, and
16 thereupon the Governor shall issue to said branch pilot, in the
17 name and under the state seal [of-the-State], a commission to serve
18 as branch pilot from such ports, across any intermediate bars, to
19 the open gulf; and said commission shall be for a term of four
20 years, unless such branch pilot shall be dismissed from service by
21 said navigation and canal commissioners, in which event such
22 commission shall expire.

23 SECTION 40. Section 4.06, Houston Pilots Licensing and
24 Regulatory Act (Article 8280a, Vernon's Texas Civil Statutes), is
25 amended to read as follows:

26 Sec. 4.06. ISSUANCE OF LICENSE. On filing of the bond and
27 oath provided by Section 4.09 of this Act, the board shall certify
28 to the governor that the branch pilot has duly qualified to act as
29 a branch pilot, and on receiving this certification, the governor
30 shall issue to the branch pilot, in the name and under the state
31 seal [of-the-state], a commission to serve as a branch pilot from
32 the ports within the jurisdiction of the board, across intermediate
33 bars, to and from the open gulf.

34 SECTION 41. Section 4.06(a), Galveston County Pilots
35 Licensing and Regulatory Act (Article 8280b, Vernon's Texas Civil
36 Statutes), is amended to read as follows:

37 (a) On filing of the bond and oath provided by Section 4.09
38 of this Act, the board shall certify to the governor that the
39 branch pilot has duly qualified to act as a branch pilot, and on
40 receiving this certification, the governor shall issue to the
41 branch pilot, in the name and under the state seal [of-the--state],
42 a commission to serve as a branch pilot from the ports within the
43 jurisdiction of the board, across intermediate bars, to and from
44 the open gulf.

45 SECTION 42. Section 4.06(a), Brazoria County Pilots
46 Licensing and Regulatory Act (Article 8280c, Vernon's Texas Civil
47 Statutes), is amended to read as follows:

48 (a) On filing of the bond and oath provided by Section 4.09
49 of this Act, the board shall certify to the governor that the
50 branch pilot has qualified to act as a branch pilot, and on
51 receiving this certification, the governor shall issue to the
52 branch pilot, in the name and under the state seal [of-the-state],
53 a commission to serve as a branch pilot from the ports within the
54 jurisdiction of the board, across intermediate bars, to and from
55 the open gulf.

56 SECTION 43. The following laws are repealed:

57 (1) Articles 6139, 6140, 6141, and 6142, Revised
58 Statutes;

59 (2) Chapter 87, General Laws, Acts of the 43rd
60 Legislature, Regular Session, 1933 (Article 6142a, Vernon's Texas
61 Civil Statutes);

62 (3) Chapter 77, Acts of the 54th Legislature, Regular
63 Session, 1955 (Article 6142b, Vernon's Texas Civil Statutes);

64 (4) Section 11.05, State Purchasing and General
65 Services Act (Article 601b, Vernon's Texas Civil Statutes); and

66 (5) Section 17.07, Business & Commerce Code.

67 SECTION 44. This Act applies only to a license issued under
68 Section 17.08, Business & Commerce Code, on or after the effective
69 date of this Act. A license issued before the effective date of
70 this Act is governed by the law in effect at the time the license

1 was issued, and that law is continued in effect for this purpose.

2 SECTION 45. The change in the designation of the Great Seal
3 of the State of Texas, the seal of the secretary of state, or any
4 other seal under this Act does not affect the validity of any
5 document signed or any other act performed under seal before the
6 effective date of this Act.

7 SECTION 46. The change in law made by Section 43 of this Act
8 does not apply to a civil action commenced before the effective
9 date of this Act. A civil action commenced before the effective
10 date of this Act is covered by the law in effect when the action
11 was commenced, and the former law is continued in effect for this
12 purpose.

13 SECTION 47. The repeal of Section 11.05, State Purchasing
14 and General Services Act (Article 601b, Vernon's Texas Civil
15 Statutes), does not affect the validity of a contract entered into
16 under that section before the effective date of this Act.

17 SECTION 48. (a) The change in law made by Section 43 of
18 this Act does not apply to the prosecution of an offense committed
19 before the effective date of this Act. For purposes of this
20 section, an offense is committed before the effective date of this
21 Act if any element of the offense occurs before that date.

22 (b) An offense committed before the effective date of this
23 Act is covered by the law in effect when the offense was committed,
24 and the former law is continued in effect for this purpose.

25 SECTION 49. Each board, commission, department, institution,
26 office, or other agency of the state government, including an
27 institution of higher education as defined by Section 61.003,
28 Education Code, shall use the state flags, staffs, and finials and
29 any item bearing the Great Seal of Texas it has on the effective
30 date of this Act until those items are unserviceable.

31 SECTION 50. The importance of this legislation and the
32 crowded condition of the calendars in both houses create an
33 emergency and an imperative public necessity that the
34 constitutional rule requiring bills to be read on three several
35 days in each house be suspended, and this rule is hereby suspended.

36 * * * * *

37 Austin, Texas
38 April 28, 1993

39 Hon. Bob Bullock
40 President of the Senate

41 Sir:

42 We, your Committee on International Relations, Trade, and
43 Technology to which was referred H.B. No. 1463, have had the same
44 under consideration, and I am instructed to report it back to the
45 Senate with the recommendation that it do pass and be printed.

46 Truan, Chairman

47 * * * * *

48 WITNESSES

49 FOR AGAINST ON
50

51 Name: Mr. Charles A. Spain Jr.
52 Representing: Self
53 City: Austin
54 -----

x

**FAVORABLE
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR (HB) HCR HJR 1463
 By Van de Putte / Madla
(Author/Senate Sponsor)
April 28,
(date)

We, your Committee on INTERNATIONAL RELATIONS,
TRADE, AND TECHNOLOGY, to which was referred the attached measure,
 have on April 28, 1993, had the same under consideration and I am instructed to report it
(date of hearing)
 back with the recommendation (s) that it:

- do pass and be printed
- do pass and be ordered not printed
- and is recommended for placement on the Local and Uncontested Bills Calendar.
- A fiscal note was requested. yes no
- A revised fiscal note was requested. yes no
- An actuarial analysis was requested. yes no
- Considered by subcommittee. yes no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Carlos F. Truan, Chair	X			
Senator Gonzalo Barrientos, Vice-Chair	X			
Senator Teel Bivins	X			
Senator J.E. Brown	X			
Senator Steve Carriker	X			
Senator Chris Harris	X			
Senator Eddie Lucio	X			
Senator Peggy Rosson	X			
Senator Jeff Wentworth	X			
TOTAL VOTES	9	0	0	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Andrea Moridan
 COMMITTEE CLERK

Carlos F. Truan
 CHAIRMAN

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**FISCAL NOTE
73rd Regular Session**

April 21, 1993

TO: Honorable Carlos Truan, Chair
Committee on International Relations, Trade, and
Technology
Senate Chamber
Austin, Texas

IN RE: House Bill No. 1463, as engrossed
By: Van de Putte

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1463, as engrossed (relating to the description and use of the state flag, the governor's flag, the state arms, and the state seal and to the adoption and rendition of the state song) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, EC, OC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

April 2, 1993

TO: Honorable Bob Hunter, Chair
Committee on International and Cultural Relations
House of Representatives
Austin, Texas

IN RE: Committee Substitute for
House Bill No. 1463

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 1463 (relating to the description and use of the state flag, the governor's flag, the state arms, and the state seal and to the adoption and rendition of the state song) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF, JOL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

73rd Regular Session

March 26, 1993

**TO: Honorable Bob Hunter, Chair
Committee on International and Cultural Relations
House of Representatives
Austin, Texas**

**IN RE: House Bill No. 1463
By: Van de Putte**

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1463 (relating to the description and use of the state flag, the governor's flag, and the state seal and to the adoption and rendition of the state song) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF

**REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT**

Hon. Bill Haley, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 1463, by: Van De Putte / Madla
was heard by the Committee on April (Bill No.) on 28, 19 93, (author)
and reported out with the recommendation that it be placed on the Local Uncontested Bills Calendar.

Andrea Sheridan
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO ROOM 419. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 5:00 P.M. FRIDAY.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.

F
ENROLLED

H.B. No. 1463

1 AN ACT

2 relating to the description and use of the state flag, the
3 governor's flag, the state arms, and the state seal and to the
4 adoption and rendition of the state song.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Title 106, Revised Statutes, is amended by adding
7 Article 6139a to read as follows:

8 Art. 6139a. DESCRIPTION OF THE STATE FLAG. (a) The state
9 flag is the 1839 national flag of the Republic of Texas.

10 (b) The state flag consists of a rectangle with a width to
11 length ratio of two to three containing:

12 (1) a blue vertical stripe one-third the entire length
13 of the flag wide, and two equal horizontal stripes, the upper
14 stripe white, the lower red, each two-thirds the entire length of
15 the flag long; and

16 (2) a white, regular five-pointed star in the center
17 of the blue stripe, oriented so that one point faces upward, and of
18 such a size that the diameter of a circle passing through the five
19 points of the star is equal to three-fourths the width of the blue
20 stripe.

21 (c) The red, white, and blue of the state flag stand,
22 respectively, for bravery, purity, and loyalty.

23 (d) The red and blue colors of the state flag are the same
24 colors used in the United States flag and are defined as numbers

1 80108 (red) and 80075 (dark blue) of The Standard Color Reference
2 of America, 10th edition.

3 (e) When displayed permanently mounted on a staff, as for
4 indoor or parade use, the state flag may be decorated with gold
5 fringe and its staff with gold cords and tassels.

6 (f) When the state flag is displayed on a staff, the staff
7 should be at least 2-1/2 times as long as the flag's hoist, and the
8 state flag should be attached to the staff's peak. The staff's
9 finial should be either a lone star or a spearhead.

10 (g) The governor may prescribe additional rules with respect
11 to the description of the state flag. The governor shall set forth
12 any alterations or additional rules in an executive order published
13 in the Texas Register.

14 SECTION 2. Title 106, Revised Statutes, is amended by adding
15 Article 6139b to read as follows:

16 Art. 6139b. PLEDGE OF ALLEGIANCE TO THE STATE FLAG. (a)
17 The pledge of allegiance to the state flag is, "Honor the Texas
18 flag; I pledge allegiance to thee, Texas, one and indivisible."

19 (b) The pledge of allegiance to the state flag should be
20 rendered by all present except those in uniform by standing at
21 attention facing the flag with the right hand over the heart.
22 Individuals who are not in uniform and who are wearing a headdress
23 that is easily removeable should remove their headdress with their
24 right hand and hold it at the left shoulder, with the hand over the
25 heart. Individuals in uniform should remain silent, face the flag,
26 and render the military salute.

27 (c) The pledge of allegiance to the state flag may be

1 recited at all public and private meetings at which the pledge of
2 allegiance to the United States flag is recited and at state
3 historical events and celebrations.

4 (d) The pledge of allegiance to the state flag should be
5 recited after the pledge of allegiance to the United States flag if
6 both are recited.

7 SECTION 3. Title 106, Revised Statutes, is amended by adding
8 Article 6139c to read as follows:

9 Art. 6139c. TEXAS FLAG CODE

10 Sec. 1. This article may be cited as the Texas Flag Code.

11 Sec. 2. The rules set out by Section 3 of this article
12 govern the use of the state flag in this state.

13 Sec. 3. (a) The state flag normally should not be displayed
14 outdoors earlier than sunrise or later than sunset. However, when
15 a patriotic effect is desired, the state flag may be displayed 24
16 hours a day if properly illuminated during the hours of darkness or
17 may be displayed under the same circumstances as the United States
18 flag may be displayed.

19 (b) The state flag should be hoisted briskly and lowered
20 ceremoniously.

21 (c) The state flag should not be displayed on days when the
22 weather is inclement unless a weatherproof flag is displayed.

23 (d) The state flag should be displayed on all state holidays
24 and on special occasions of historical significance. Texas Flag
25 Day shall be celebrated on March 2, Texas Independence Day.

26 (e) The state flag should be displayed daily on or near the
27 main administration building of every state institution.

1 (f) The state flag, when carried in a procession with
2 another flag or flags except the United States flag, should be
3 either on the marching right, that is, the state flag's right, or,
4 if there is a line of other flags, in front of the center of that
5 line. When the state flag is carried in a procession in which the
6 United States flag is carried, the United States flag should be on
7 the marching right, that is, the United States flag's right, and
8 the state flag should be on the United States flag's left.

9 (g) The state flag should not be displayed on a float in a
10 parade except from a staff or as provided in Subsection (o) of this
11 section.

12 (h) The state flag should not be draped over the hood, top,
13 side, or back of any vehicle, railroad train, boat, or aircraft.
14 When the state flag is displayed on a motor vehicle, the staff
15 should be fixed firmly to the chassis or clamped to the right
16 fender. If the United States flag is also displayed, its staff
17 should be clamped to the right fender, and the state flag's staff
18 should be clamped to the left fender.

19 (i) No flag or pennant other than the United States flag
20 should be placed above or, if on the same level, to the state
21 flag's right, that is, the observer's left. When the state and
22 United States flags are displayed at the same time, they should be
23 flown on flagpoles of the same height, and the flags should be of
24 approximately equal size. The United States flag should be
25 displayed to the United States flag's right, that is, the
26 observer's left. However, when it is necessary for the state and
27 United States flags to be flown from the same flagpole, the state

1 flag should be displayed underneath the United States flag. When
2 the state flag is displayed on a separate flagpole from the United
3 States flag, the state flag should be hoisted after the United
4 States flag is hoisted and lowered before the United States flag is
5 lowered.

6 (j) When the state flag is displayed with another flag,
7 other than the United States flag, against a wall from crossed
8 staffs, the state flag should be on the state flag's right, that
9 is, the observer's left, and its staff should be in front of the
10 staff of the other flag. When the state and United States flags
11 are displayed against a wall from crossed staffs, the state flag
12 should be on the United States flag's left, that is, the observer's
13 right, and behind the staff of the United States flag.

14 (k) The state flag should be at the center and at the
15 highest point of a group when a number of flags or pennants of
16 municipalities, localities, organizations, or corporations are
17 grouped and displayed from staffs.

18 (l) When flags or pennants of municipalities, localities,
19 organizations, or corporations are flown on the same halyard with
20 the state flag, the latter should always be at the peak. When the
21 flags are flown from adjacent staffs, the state flag should be
22 hoisted first and lowered last. Those flags or pennants may not be
23 placed above the state flag or to the state flag's right, that is,
24 the observer's left.

25 (m) When the state flag is displayed with the flags of other
26 states of the United States, nations other than the United States,
27 and international organizations, the state flag should be displayed

1 on the state flag's right, that is, the observer's left, on a
2 separate flagpole or staff. This subsection does not apply to the
3 United States or any agency of the United States, including the
4 armed services, when federal law, custom, or practice dictates
5 otherwise. The state flag should not be displayed above the flags
6 of other states of the United States, nations, and international
7 organizations on the same flagpole, and the state flag should not
8 be displayed from a higher flagpole or staff.

9 (n) When the state flag is displayed from a staff projecting
10 horizontally or at an angle from a windowsill, balcony, or front of
11 a building, the top of the flag should be placed at the peak of the
12 staff unless the flag is at half-staff. When the state flag is
13 suspended over a sidewalk from a rope extending from a house to a
14 pole at the edge of the sidewalk, the flag should be hoisted out,
15 white stripe first, from the building.

16 (o) When the state flag is displayed horizontally, the white
17 stripe should be uppermost and to the state flag's left, that is,
18 to the observer's right. When displayed in a window, the state
19 flag should be displayed in the same way, with the blue stripe to
20 the left of an observer who is outside the window. When the state
21 flag is displayed vertically, the blue stripe should be uppermost
22 and the white stripe should be to the state flag's right, that is,
23 to the observer's left.

24 (p) When the state flag is displayed over the middle of a
25 street, it should be suspended vertically with the blue stripe
26 uppermost and the white stripe to the north in an east and west
27 street, or with the white stripe to the east in a north and south

1 street.

2 (q) When used on a speaker's platform, the state flag, if
3 displayed flat, should be displayed above and behind the speaker.
4 If both the state and United States flags are displayed on a
5 speaker's platform at the same time, the state flag should be on
6 the state flag's left, that is, the observer's right, while the
7 United States flag should be on the United States flag's right,
8 that is, the observer's left.

9 (r) The state flag should form a distinctive feature of the
10 ceremony of unveiling a statue or monument, but it should never be
11 used as the covering for the statue or monument.

12 (s) The state flag, when flown at half-staff, should be
13 first hoisted to the peak of the flagpole for an instant and then
14 lowered to the half-staff position. The state flag should be again
15 raised to the peak before it is lowered for the day. On Memorial
16 Day the state flag should be displayed at half-staff until noon
17 only, then raised to the peak of the flagpole. By order of the
18 governor, the state flag shall be flown at half-staff on the death
19 of an individual as a mark of respect to the individual's memory.

20 (t) When the state flag is used to cover a casket, it should
21 be so placed that the blue stripe is at the head and the white
22 stripe is over the left shoulder, that is, the observer's right.
23 The state flag should not be lowered into the grave or allowed to
24 touch the ground.

25 (u) When the state flag is suspended across a corridor or
26 lobby in a building with only one main entrance, it should be
27 suspended vertically with the white stripe of the flag to the

1 observer's left on entering. If the building has more than one
2 main entrance, the state flag should be suspended vertically near
3 the center of the corridor or lobby with the white stripe to the
4 north, when entrances are to the east and west, or to the east,
5 when entrances are to the north and south. If there are entrances
6 in more than two directions, the white stripe should be to the
7 east.

8 (v) The state flag should not be dipped to any person or
9 thing except as a mark of honor for the United States flag.

10 (w) When the state flag is displayed from a flagpole or
11 staff, the white stripe should always be at the top of the flag,
12 except as a signal of dire distress in instances of extreme danger
13 to life or property.

14 (x) The state flag should not touch anything beneath it,
15 such as the ground or the floor, and should not trail in water.

16 (y) The state flag should, when practicable, not be carried
17 flat or horizontally, but aloft and free.

18 (z) The state flag should not be used as bedding or drapery.
19 It should not be festooned, drawn back, or up, in folds, but always
20 allowed to fall free. Bunting of blue, white, and red, always
21 arranged with the blue above, the white in the middle, and the red
22 below, should be used instead of the state flag for covering a
23 speaker's desk, for draping the front of a platform, and for
24 decoration in general.

25 (aa) The state flag should not be fastened, displayed, used,
26 or stored in a manner that it can be easily torn, soiled, or
27 damaged in any way.

1 (bb) The state flag should not be used as a covering for a
2 ceiling.

3 (cc) The state flag should not have placed on any part of
4 it, or attached to it, any mark, insignia, letter, word, figure,
5 design, picture, or drawing of any nature.

6 (dd) The state flag should not be used as a receptacle for
7 receiving, holding, carrying, or delivering anything.

8 (ee) Advertisements should not be fastened to a staff or
9 halyard from which the state flag is flown.

10 (ff) The state flag, when it is in such a condition that it
11 is no longer a fitting emblem for display, should be destroyed in a
12 dignified way, preferably by burning.

13 (gg) During the ceremony of hoisting or lowering the state
14 flag or when the state flag is passing in a parade or in review,
15 all individuals present except those in uniform should face the
16 state flag and stand at attention with the right hand over the
17 heart. Those present in uniform should render the military salute.
18 When not in uniform, individuals who are wearing a headdress that
19 is easily removeable should remove their headdress with their right
20 hand and hold it at the left shoulder, with the hand over the
21 heart. Individuals who are not citizens of this state should stand
22 at attention. The salute to the state flag in a moving column
23 should be rendered at the moment the state flag passes.

24 Sec. 4. The governor may alter, modify, or repeal any rule
25 relating to the display of the state flag set forth in Section 3 or
26 may prescribe additional rules with respect to the display of the
27 state flag. The governor shall set forth any alterations or

1 additional rules in an executive order published in the Texas
2 Register.

3 Sec. 5. (a) A governmental subdivision or agency may not
4 enact or enforce a law that prohibits:

5 (1) the display of a municipal flag, the state flag,
6 the flag of another state of the United States, the United States
7 flag, or the flag of a nation other than the United States; or

8 (2) any conduct covered by this article.

9 (b) This section does not apply to an action by a
10 governmental subdivision or agency to enact or enforce a law
11 established to protect the public health and safety.

12 SECTION 4. Title 106, Revised Statutes, is amended by adding
13 Article 6139d to read as follows:

14 Art. 6139d. FLAG OF THE GOVERNOR. The governor may adopt a
15 flag for the governor's official use. The governor shall set forth
16 the description of the flag in an executive order published in the
17 Texas Register.

18 SECTION 5. Title 106, Revised Statutes, is amended by adding
19 Article 6139e to read as follows:

20 Art. 6139e. STATE SONG. (a) The state song is "Texas, Our
21 Texas" by William J. Marsh and Gladys Yoakum Wright:

22 Texas, our Texas! All hail the mighty State!

23 Texas, our Texas! So wonderful so great!

24 Boldest and grandest, Withstanding ev'ry test;

25 O Empire wide and glorious, You stand supremely blest.

26 Refrain

27 God bless you Texas! And keep you brave and strong,

1 That you may grow in power and worth, Thro'out the
2 ages long.

3 Texas, O Texas! Your freeborn single star,
4 Sends out its radiance to nations near and far.
5 Emblem of freedom! It sets our hearts aglow,
6 With thoughts of San Jacinto and glorious Alamo.

7 Refrain

8 Texas, dear Texas! From tyrant grip now free,
9 Shines forth in splendor your star of destiny!
10 Mother of heroes! We come your children true,
11 Proclaiming our allegiance, our faith, our love for you.

12 Refrain

13 (b) During the rendition of the state song when the state
14 flag is displayed, all individuals present except those in uniform
15 should stand at attention facing the state flag with the right hand
16 over the heart. Those present in uniform should render the
17 military salute at the first note of the state song and retain this
18 position until the last note. When not in uniform, individuals who
19 are wearing a headdress that is easily removeable should remove
20 their headdress with their right hand and hold it at the left
21 shoulder, with the hand over the heart. Individuals who are not
22 citizens of this state should stand at attention.

23 (c) When the state flag is not displayed, those present
24 should face toward the music and act in the same manner as they
25 would if the state flag were displayed there.

26 (d) The state song should be rendered after the national
27 anthem if both are rendered.

1 SECTION 6. Title 106, Revised Statutes, is amended by adding
2 Article 6139f to read as follows:

3 Art. 6139f. STATE SEAL; STATE ARMS. (a) The state seal is
4 as provided by Article IV, Section 19, of the Texas Constitution.

5 (b) The reverse of the state seal contains a shield,
6 displaying a depiction of the Alamo, the cannon of the Battle of
7 Gonzales, and Vince's Bridge. The shield is encircled by live oak
8 and olive branches, and the unfurled flags of the Kingdom of
9 France, the Kingdom of Spain, the United Mexican States, the
10 Republic of Texas, the Confederate States of America, and the
11 United States of America. Above the shield is emblazoned the
12 motto, "REMEMBER THE ALAMO," and beneath it are the words, "TEXAS
13 ONE AND INDIVISIBLE," with a white five-pointed star hanging over
14 the shield, centered between the flags.

15 (c) The state arms are a white star of five points, on an
16 azure ground, encircled by olive and live oak branches.

17 (d) The secretary of state, by rule, shall adopt standard
18 designs for the state seal, the reverse of the state seal, and the
19 state arms.

20 (e) A law that requires the use of the state seal does not
21 require the use of the state arms or the reverse of the state seal.

22 SECTION 7. Section 2.02, Education Code, is amended to read
23 as follows:

24 Sec. 2.02. THE FLYING OF THE STATE FLAG. On all regular
25 school days, every school and other educational institution covered
26 by this code shall fly the state [Texas] flag in accordance with
27 the Texas Flag Code, Article 6139c, Revised Statutes [general-rules

1 governing-its-use].

2 SECTION 8. Section 17.08, Business & Commerce Code, is
3 amended to read as follows:

4 Sec. 17.08. PRIVATE USE OF STATE [~~GREAT~~] SEAL [~~OF-TEXAS~~].

5 (a) In this section:

6 (1) "Commercial purpose" means a purpose that is
7 intended to result in a profit or other tangible benefit but does
8 not include:

9 (A) [an] official use of the state seal or a
10 representation of the state seal in a state function;

11 (B) [or-the] use of the state seal [Great--Seal
12 of--Texas] or a representation of the state seal [Great-Seal-of
13 Texas] for a political purpose by an elected official of this
14 state;

15 (C) use of the state seal or a representation of
16 the state seal in an encyclopedia, dictionary, book, journal,
17 pamphlet, periodical, magazine, or newspaper incident to a
18 description or history of seals, coats of arms, heraldry, or this
19 state;

20 (D) use of the state seal or a representation of
21 the state seal in a library, museum, or educational facility
22 incident to descriptions or exhibits relating to seals, coats of
23 arms, heraldry, or this state;

24 (E) use of the state seal or a representation of
25 the state seal in a theatrical, motion-picture, television, or
26 similar production for a historical, educational, or newsworthy
27 purpose; or

1 (F) use of the state seal or a representation of
2 the state seal for another historical, educational, or newsworthy
3 purpose if authorized in writing by the secretary of state.

4 (2) "Representation of the state seal [~~Great-Seal-of~~
5 ~~Texas~~]" includes a nonexact representation that the secretary of
6 state determines is deceptively similar to the state seal. [~~Great~~
7 ~~Seal-of-Texas~~]

8 (3) "Official use" means the use of the state seal
9 [~~Great--Seal--of--Texas~~] by an officer or employee of this state in
10 performing a state function. [↗]

11 (4) "State function" means a state governmental
12 activity authorized or required by law.

13 (5) "State seal" means the state seal, the reverse of
14 the state seal, and the state arms as defined by Article 6139f,
15 Revised Statutes.

16 (b) Except as otherwise provided by this section, a person
17 may not use a representation of the state seal [~~Great--Seal--of~~
18 ~~Texas~~]:

19 (1) to advertise or publicize tangible personal
20 property or a commercial undertaking; or

21 (2) for another commercial purpose.

22 (c) A person may use a representation of the state seal
23 [~~Great--Seal--of--Texas~~] for a commercial purpose if the person
24 obtains a license from the secretary of state for that use. The
25 secretary of state, under the authority vested in the secretary as
26 custodian of the seal under Article IV, Section 19, of the Texas
27 Constitution, shall issue a license to a person who applies for a

1 license on a form provided by the secretary of state and who pays
2 the fees required under this section if the secretary of state
3 determines that the use is in the best interests of the state and
4 not detrimental to the image of the state. A license issued under
5 this section expires one year after the date of issuance and may be
6 renewed.

7 (d) The secretary of state shall adopt rules relating to the
8 use of the state seal [~~Great-Seal-of-Texas~~] by a person licensed
9 under this section. The secretary of state shall adopt the rules
10 in the manner provided by the Administrative Procedure and Texas
11 Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

12 (e) The application fee for a license under this section is
13 \$35. The license fee for an original or renewal license is \$250.
14 In addition to those fees, each licensee shall pay an amount equal
15 to three percent of the licensee's annual gross receipts related to
16 the licensed use in excess of \$5,000 to the state as a royalty fee.

17 (f) A person licensed under this section shall maintain
18 records relating to the licensee's use of the state seal [~~Great~~
19 ~~Seal-of-Texas~~] in the manner required by the rules of the secretary
20 of state. The secretary of state may examine the records during
21 reasonable business hours to determine the licensee's compliance
22 with this section. Each licensee shall display the license in a
23 conspicuous manner in the licensee's office or place of business.

24 (g) The secretary of state may suspend or revoke a license
25 issued under this section for failure to comply with this section
26 or the rules adopted under this section. The secretary of state
27 may bring a civil action to enjoin a violation of this section or

1 the rules adopted under this section.

2 (h) A person who reproduces an official document bearing the
3 state seal [~~Great-Seal-of-Texas~~] does not violate Subsection (b) of
4 this section if the document is:

5 (1) reproduced in complete form; and

6 (2) used for a purpose related to the purpose for
7 which the document was issued by the state.

8 (i) A person who violates a provision of Subsection (b) of
9 this section commits an offense. An offense under this section is
10 a Class C misdemeanor.

11 (j) A person who violates Subsection (b) of this section
12 commits a separate offense each day that the person violates a
13 provision of that subsection.

14 SECTION 9. Sections 9A(a) and (b), State Aircraft Pooling
15 Act (Article 4413(34b), Vernon's Texas Civil Statutes), are amended
16 to read as follows:

17 (a) Except as provided by Subsection (c) of this section,
18 all aircraft owned or leased by the state shall be marked:

19 (1) with the [~~Texas~~] state seal on each side of the
20 aircraft's vertical stabilizer; and

21 (2) with the words "The State of Texas" on each side
22 of the aircraft's fuselage.

23 (b) The board shall, consistent with federal regulations and
24 Article 6139f, Revised Statutes, and its subsequent amendments,
25 adopt rules governing the color, size, and location of marks of
26 identification required by this section.

27 SECTION 10. Section 30, The Securities Act (Article 581-30,

1 Vernon's Texas Civil Statutes), is amended to read as follows:

2 Sec. 30. CERTIFIED COPIES OF PAPERS FILED WITH COMMISSIONER
3 AS EVIDENCE. Copies of all papers, instruments, or documents filed
4 in the office of the Commissioner, certified by the Commissioner,
5 shall be admitted to be read in evidence in all courts of law and
6 elsewhere in this state in all cases where the original would be
7 admitted in evidence; provided, that in any proceeding in the court
8 having jurisdiction, the court may, on cause shown, require the
9 production of the originals.

10 The Commissioner shall assume custody of all records of the
11 Securities Divisions within the offices of the Secretary of State
12 and of the Board of Insurance Commissioners, and henceforth these
13 prior records shall be proven under certificate of the
14 Commissioner.

15 In any prosecution, action, suit or proceeding before any of
16 the several courts of this state based upon or arising out of or
17 under the provisions of this Act, a certificate under the state
18 seal [~~of--the--state~~], duly signed by the Commissioner, showing
19 compliance or non-compliance with the provisions of this Act
20 respecting compliance or non-compliance with the provisions of this
21 Act by any dealer or salesman, shall constitute prima facie
22 evidence of such compliance or of such non-compliance with the
23 provisions of this Act, as the case may be, and shall be admissible
24 in evidence in any action at law or in equity to enforce the
25 provisions of this Act.

26 SECTION 11. Section 3, Texas Uniform Facsimile Signature of
27 Public Officials Act (Article 717j-1, Vernon's Texas Civil

1 Statutes), is amended to read as follows:

2 Sec. 3. FACSIMILE SEAL. When the state seal [~~of--this~~
3 ~~state~~], the seal of any of the state's [~~its~~] political
4 subdivisions, or the seal of any department, agency, or other
5 instrumentality of this state or its political subdivisions is
6 required in the execution, authentication, certification, or
7 endorsement of a public security, eligible contract, instrument of
8 payment or certificate of assessment, the authorized officer may
9 cause the seal to be printed, engraved, lithographed, stamped, or
10 otherwise placed in facsimile thereon. The facsimile seal has the
11 same legal effect as the impression of the seal.

12 SECTION 12. Section 4.058, Public Facility Corporation Act
13 (Article 717s, Revised Statutes), is amended to read as follows:

14 Sec. 4.058. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
15 following documents shall be received by a court, public office, or
16 official body as prima facie evidence of the facts, or the
17 existence or nonexistence of the facts, stated in the document:

18 (1) a certificate issued by the secretary of state
19 under this article;

20 (2) a copy, certified by the secretary of state, of a
21 document filed in the office of the secretary of state under this
22 article; and

23 (3) a certificate of the secretary of state under the
24 state seal [~~Great--Seal--of--Texas~~] as to the existence or
25 nonexistence of a fact relating to a corporation that would not
26 appear from a document or certificate under Subdivision (1) or (2)
27 of this section.

1 SECTION 13. Section 9.06, Texas Non-Profit Corporation Act
2 (Article 1396-9.06, Vernon's Texas Civil Statutes), is amended to
3 read as follows:

4 Sec. 9.06. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED
5 IN EVIDENCE. A. All certificates issued by the Secretary of State
6 in accordance with the provisions of this Act, and all copies of
7 documents filed in his office, in accordance with the provisions of
8 this Act when certified by him, shall be taken and received in all
9 courts, public offices, and official bodies as prima facie evidence
10 of the facts therein stated and may be officially recorded. A
11 certificate by the Secretary of State under the state [~~great~~] seal
12 [~~of-this-State~~], as to the existence or non-existence of the facts
13 relating to corporations which would not appear from a certified
14 copy of any of the foregoing documents or certificates shall be
15 taken and received in all courts, public offices, and official
16 bodies as prima facie evidence of the existence or non-existence of
17 the facts therein stated.

18 SECTION 14. Section 8, Electric Cooperative Corporation Act
19 (Article 1528b, Vernon's Texas Civil Statutes), is amended to read
20 as follows:

21 Sec. 8. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
22 INCORPORATION. When the incorporators of any corporation shall
23 furnish satisfactory evidence to the Secretary of State of a
24 compliance with the provisions of this Act, said officer shall
25 receive, file, and record the articles of incorporation of such
26 corporation in his office, upon application and payment of all fees
27 therefor, and give a certificate showing the recording of such

1 articles and authority to do business thereunder. The articles
2 shall thereupon be filed in the office of the Secretary of State,
3 who shall record same at length in a book to be kept for that
4 purpose, and retain the original on file in his office. A copy of
5 the articles, or of the record thereof, certified under the state
6 seal [~~Great--Seal-of-the-State~~], shall be evidence of the creation
7 of the corporation. The existence of the corporation shall date
8 from the filing of the articles in the office of the Secretary of
9 State. The certificate of the Secretary of State shall be evidence
10 of such filing.

11 SECTION 15. Section 7, Telephone Cooperative Act (Article
12 1528c, Vernon's Texas Civil Statutes), is amended to read as
13 follows:

14 Sec. 7. EXECUTION, FILING, AND RECORDING OF ARTICLES OF
15 INCORPORATION. When the incorporators of any corporation shall
16 furnish satisfactory evidence to the Secretary of State of a
17 compliance with the provisions of this Act, said officer shall
18 receive, file, and record the articles of incorporation of such
19 corporation in his office, upon application and payment of all fees
20 therefor, and give a certificate showing the recording of such
21 articles and authority to do business thereunder. The articles
22 shall thereupon be filed in the office of the Secretary of State,
23 who shall record same at length in a book to be kept for that
24 purpose, and retain the original on file in his office. A copy of
25 the articles, or of the record thereof, certified under the state
26 seal [~~Great--Seal-of-the-State~~], shall be evidence of the creation
27 of the corporation. The existence of the corporation shall date

1 from the filing of the articles in the office of the Secretary of
2 State. The certificate of the Secretary of State shall be evidence
3 of such filing.

4 SECTION 16. Section 1, Chapter 65, Acts of the 43rd
5 Legislature, 2nd Called Session, 1934 (Article 2606a, Vernon's
6 Texas Civil Statutes), is amended to read as follows:

7 Sec. 1. The Governor of the State of Texas is hereby
8 authorized to have printed manuscript bonds of the State of Texas
9 in convenient denominations to be determined by him for the purpose
10 of refunding the principal of the bonds hereinafter mentioned.
11 Said bonds shall be designated "State of Texas Refunding Bonds,
12 Issue of 1934." Said bonds shall be numbered and dated as
13 hereinafter indicated and shall bear the rate of interest
14 hereinafter fixed, and shall become due and payable on the dates
15 hereinafter shown. Interest paying dates on the various bonds
16 authorized herein shall be fixed as hereinafter indicated. The
17 form of such bonds shall be prepared by the Attorney General. Each
18 of them shall be signed by the Governor and the Treasurer of the
19 State of Texas and countersigned and registered by the Comptroller,
20 and shall have the state seal [~~of Texas~~] affixed thereto.

21 SECTION 17. Article 4012, Revised Statutes, is amended to
22 read as follows:

23 Art. 4012. EVIDENCE OF AUTHORITY. Any veteran of any of the
24 wars mentioned in this title, their wives, widows or members of
25 their families, and any minister of religion, or any fireman,
26 sister of charity or member of any religious society of like
27 character, who desires to receive the benefits of free or reduced

1 transportation as mentioned in this title shall present to the
2 president, manager, officer, or person authorized to issue such
3 transportation satisfactory evidence that he or she is entitled
4 thereto, as herein provided. The officers entitled to the benefits
5 of this law shall, when presenting themselves to the agent of any
6 such railway or interurban railway company for the purchase of a
7 ticket or to pay his fare, exhibit to such agent in case of the
8 Adjutant General and State Rangers a certificate of the Secretary
9 of State under the state seal, in case of sheriffs and constables
10 and their deputies a certificate under seal of the county judge of
11 the county where they hold office and in case of officers of a city
12 or town a certificate under seal of the mayor of such city or town
13 stating that such person is entitled to the reduced fare herein
14 provided for. Sheriffs and constables shall designate in writing
15 the two deputies entitled to the reduced rates herein provided for.
16 If the sheriff or constable has designated two deputies who are
17 entitled to such reduced rates, then no deputy of such sheriff or
18 constable shall be entitled to free transportation under the
19 provisions of the pass laws of this State.

20 SECTION 18. Section 5, Chapter 94, Acts of the 51st
21 Legislature, Regular Session, 1949 (Article 4512b, Vernon's Texas
22 Civil Statutes), is amended to read as follows:

23 Sec. 5. The Board shall preserve a record of its proceedings
24 in a book kept for that purpose, showing name, age, place, and
25 duration of residence of each applicant, the time spent in the
26 study of chiropractic in respective chiropractic schools, together
27 with such other information as the Board may desire to record.

1 Said register shall also show whether applicants were rejected or
2 licensed and shall be prima-facie evidence of all matters contained
3 therein. The secretary of the Board shall on May 1st of each year
4 transmit an official copy of said register to the Secretary of
5 State for permanent record, a certified copy of which, with hand
6 and seal of the secretary of said Board or the hand of the
7 Secretary of State under the state seal, shall be admitted in
8 evidence in all courts.

9 SECTION 19. Subdivision (2), Subsection E, Section 2,
10 Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953
11 (Article 4582b, Vernon's Texas Civil Statutes), is amended to read
12 as follows:

13 (2) The commission shall file annually with the
14 Governor a list of the names of all duly licensed funeral
15 directors, embalmers, and funeral establishments. A copy shall be
16 filed with the Secretary of State for permanent record, a certified
17 copy of which, under the hand [~~and-seal~~] of the Secretary of State
18 and the state seal, shall be admissible as evidence in all courts.

19 SECTION 20. Section 5, Chapter 104, Acts of the 48th
20 Legislature, Regular Session, 1943 (Article 5154a, Vernon's Texas
21 Civil Statutes), is amended to read as follows:

22 Sec. 5. ORGANIZERS. All labor union organizers operating in
23 the State of Texas shall be required to file with the Secretary of
24 State, before soliciting any members for his organization, a
25 written request by United States mail, or shall apply in person for
26 an organizer's card, stating (a) his name in full; (b) his labor
27 union affiliations, if any; (c) describing his credentials and

1 attaching thereto a copy thereof, which application shall be signed
2 by him. Upon such applications being filed, the Secretary of State
3 shall issue to the applicant a card on which shall appear the
4 following: (1) the applicant's name; (2) his union affiliation;
5 (3) a space for his personal signature; (4) a designation, "labor
6 organizer"; and, (5) the signature of the Secretary of State, dated
7 and attested by the state [~~his~~] seal [~~of-office~~]. Such organizer
8 shall at all times, when soliciting members, carry such card, and
9 shall exhibit the same when requested to do so by a person being so
10 solicited for membership.

11 SECTION 21. Section 7(a), Chapter 111, Acts of the 61st
12 Legislature, Regular Session, 1969 (Article 6144h, Vernon's Texas
13 Civil Statutes), is amended to read as follows:

14 (a) The decoration shall display the state seal [~~Great-Seal~~
15 ~~of-the-State-of-Texas~~] with the words "Distinguished Service Medal"
16 engraved in a circle thereon, and shall be suspended from a bar of
17 red, white, and blue.

18 SECTION 22. Article 6265, Revised Statutes, is amended to
19 read as follows:

20 Art. 6265. BEGINNING OF EXISTENCE. The existence of such
21 corporation shall date from the filing of the articles of
22 incorporation in the office of the Secretary of State, and the
23 certificate of the Secretary of State under the state seal [~~of-the~~
24 ~~State~~], shall be evidence of such filing.

25 SECTION 23. Article 6528, Revised Statutes, is amended to
26 read as follows:

27 Art. 6528. REGISTERING BONDS. When such bonds shall be

1 presented to the Secretary of State with said direction to
2 register, he shall register said bonds by entering a description
3 thereof in a book to be kept for that purpose, which shall show the
4 date, number, amount, when due, the rate of interest on each bond,
5 and also the date when the same is registered. The Secretary of
6 State shall indorse on each bond, under the state seal [~~of-his~~
7 ~~office~~] and his official signature, together with the date thereof,
8 as follows: "This bond is registered under the direction of the
9 Railroad Commission of Texas." Provided, however, that at the
10 direction of the Secretary of State the state [~~his-said~~] seal may
11 be a facsimile seal in lieu of the [~~his~~] manually impressed state
12 seal and his said signature may be his facsimile signature in lieu
13 of his manual signature. No bond or other evidence of debt,
14 hereafter issued by or under the authority of any person, firm,
15 corporation, court, or railroad company, whereby a lien is created
16 on its franchise or property situated in this State, shall be valid
17 or have any force until the same has been registered as required
18 herein.

19 SECTION 24. Section 201.048(d), Agriculture Code, is amended
20 to read as follows:

21 (d) The secretary of state shall make and issue to the
22 directors a certificate, under the state seal [~~of-this--state~~], of
23 the due organization of the conservation district. The secretary
24 shall record the certificate with the application and statement.

25 SECTION 25. Article 9.05, Texas Business Corporation Act, is
26 amended to read as follows:

27 Art. 9.05. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED

1 IN EVIDENCE. A. All certificates issued by the Secretary of State
2 in accordance with the provisions of this Act, and all copies of
3 documents filed in his office in accordance with the provisions of
4 this Act, when certified by him, shall be taken and received in all
5 courts, public offices, and official bodies as prima facie evidence
6 of the facts therein stated, and shall be subject to recordation.
7 A certificate by the Secretary of State, under the state [great]
8 seal [~~of--this-State~~], as to the existence or non-existence of the
9 facts relating to corporations which would not appear from a
10 certified copy of any of the foregoing documents or certificates
11 shall be taken and received in all courts, public offices, and
12 official bodies as prima facie evidence of the existence or
13 non-existence of the facts therein stated.

14 SECTION 26. Article 48.03, Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 48.03. GOVERNOR'S ACTS UNDER SEAL. All remissions of
17 fines and forfeitures, and all reprieves, commutations of
18 punishment and pardons, shall be signed by the Governor, and
19 certified by the Secretary of State, under the state [great] seal
20 [~~of--State~~], and shall be forthwith obeyed by any officer to whom
21 the same may be presented.

22 SECTION 27. Section 22, Article 51.13, Code of Criminal
23 Procedure, is amended to read as follows:

24 Sec. 22. FUGITIVES FROM THIS STATE; DUTY OF GOVERNOR.
25 Whenever the Governor of this State shall demand a person charged
26 with crime or with escaping from confinement or breaking the terms
27 of his bail, probation or parole in this State, from the Executive

1 Authority of any other State, or from the Chief Justice or an
2 Associate Justice of the Supreme Court of the District of Columbia
3 authorized to receive such demand under the laws of the United
4 States, he shall issue a warrant under the state seal [~~of--this~~
5 ~~State~~], to some agent, commanding him to receive the person so
6 charged if delivered to him and convey him to the proper officer of
7 the county in this State in which the offense was committed, or in
8 which the prosecution for such offense is then pending.

9 SECTION 28. Section 52.11(h), Education Code, is amended to
10 read as follows:

11 (h) The bonds shall be executed on behalf of the
12 coordinating board, or its successor, as general obligations of the
13 State of Texas in the following manner: They shall be signed by
14 the chairman or vice chairman and the secretary of the board, and
15 the seal of the board shall be impressed on them. They shall be
16 signed by the governor and attested by the secretary of state and
17 the state seal [~~of-the-state~~] impressed on them. The resolution
18 authorizing the issuance of any installment or series of bonds may
19 prescribe the extent to which facsimile signatures and facsimile
20 seals may be used in executing the bonds and appurtenant coupons.
21 Interest coupons may be signed with the facsimile signatures of the
22 chairman or vice chairman and the secretary of the board. In the
23 event any officer whose manual or facsimile signature appears on
24 any bond or coupon ceases to hold that office before the delivery
25 of the bond or coupon, the signature will nevertheless be valid and
26 sufficient for all purposes as if he had remained in office until
27 the delivery had been made.

1 SECTION 29. Section 88.204, Education Code, is amended to
2 read as follows:

3 Sec. 88.204. SALE OF STATIONS. If property used in the
4 operation of a station is sold, the title to the property shall not
5 pass from this state until a deed of conveyance is made to the
6 purchaser, duly signed by the governor and attested by the
7 secretary of state under the state [~~his-official~~] seal. All funds
8 received from the sale of station lands or property shall be
9 deposited in the state treasury and shall be paid out in accordance
10 with the provisions of this subchapter.

11 SECTION 30. Section 255.006(c), Election Code, is amended to
12 read as follows:

13 (c) A person other than an officeholder commits an offense
14 if the person knowingly uses a representation of the state seal
15 [~~Great-Seal-of-Texas~~] in political advertising.

16 SECTION 31. Section 441.059(a), Government Code, is amended
17 to read as follows:

18 (a) The records preservation officer shall prescribe the
19 place and manner of safekeeping of essential records or
20 preservation duplicates and shall establish storage facilities for
21 the records and duplicates. At least one copy of each essential
22 record and a duplicate state seal [~~of-the-state~~] shall be stored in
23 the safest possible location in facilities constructed to withstand
24 blast, fire, water, and other destructive forces. The facilities
25 must be in a place other than the legally designated or customary
26 storage location for the records or duplicates. The records
27 preservation officer shall properly maintain essential records and

1 preservation duplicates that the records preservation officer
2 stores.

3 SECTION 32. Section 465.025(d), Government Code, is amended
4 to read as follows:

5 (d) The bonds may be issued in the form and denominations
6 and executed in the manner and under the terms, conditions, and
7 details determined by the commission or a financing corporation, as
8 applicable, in the resolution authorizing their issuance. The
9 bonds issued by the commission must be signed on behalf of the
10 state by the governor, have the state seal [~~of-the-state~~] impressed
11 on them, and be attested by the secretary of state. If any officer
12 whose manual or facsimile signature appears on the bonds ceases to
13 be an officer, the signature is still valid and sufficient for all
14 purposes as if the officer had remained in office.

15 SECTION 33. Section 221.104, Health and Safety Code, is
16 amended to read as follows:

17 Sec. 221.104. DOCUMENTS AS PRIMA FACIE EVIDENCE. The
18 following documents shall be received by a court, public office, or
19 official body as prima facie evidence of the facts, or the
20 existence or nonexistence of the facts, stated in the document:

21 (1) a certificate issued by the secretary of state
22 under this chapter;

23 (2) a copy, certified by the secretary of state, of a
24 document filed in the office of the secretary of state under this
25 chapter; and

26 (3) a certificate of the secretary of state under the
27 state seal [~~Great--Seal--of--Texas~~] as to the existence or

1 nonexistence of a fact relating to a development corporation that
2 would not appear from a document or certificate under Subdivision
3 (1) or (2).

4 SECTION 34. Section 345.063(b), Health and Safety Code, is
5 amended to read as follows:

6 (b) The stamps must contain:

7 (1) a replica of the state seal [~~Great-Seal-of-Texas~~];

8 (2) the registry number, the serial numbers, or both;

9 and

10 (3) any other information as determined by the
11 department.

12 SECTION 35. Section 51.243(a), Natural Resources Code, is
13 amended to read as follows:

14 (a) Each patent for land from the state shall be issued in
15 the name and by authority of the state under the state seal [~~of-the~~
16 ~~state~~] and the land office seal and shall be signed by the governor
17 and countersigned by the commissioner.

18 SECTION 36. Section 161.116(b), Natural Resources Code, is
19 amended to read as follows:

20 (b) The bonds shall be signed by the chairman and the
21 secretary of the board and the seal of the board shall be impressed
22 on the bonds. In addition, the bonds shall be signed by the
23 governor and attested by the Secretary of State with the state seal
24 [~~of-the-state~~] impressed on the bonds.

25 SECTION 37. Section 162.036(b), Natural Resources Code, is
26 amended to read as follows:

27 (b) The bonds shall be signed by the chairman and the

1 secretary of the board and the seal of the board shall be impressed
2 on the bonds. In addition, the bonds shall be signed by the
3 governor and attested by the secretary of state with the state seal
4 [~~of-the-state~~] impressed on the bonds.

5 SECTION 38. Section 171.355(d), Tax Code, is amended to read
6 as follows:

7 (d) The failure of the secretary of state to mail a copy of
8 legal process to a corporation does not affect the validity of the
9 service of process. It is competent and sufficient proof of the
10 service of process that the secretary of state certifies under the
11 state [~~secretary's-official~~] seal the receipt of the process.

12 SECTION 39. Article 8253, Revised Statutes, is amended to
13 read as follows:

14 Art. 8253. BRANCH PILOT LICENSE. All branch pilots
15 appointed under and in accordance with this law or the rules and
16 regulations of such navigation district shall enter into bond with
17 one or more good and sufficient sureties in the sum of five
18 thousand dollars, payable to the Governor, conditioned upon the
19 faithful performance on any employee which together with any other
20 insurance under commissioners of such district, and shall be
21 deposited in the office of the Secretary of State. Each pilot
22 shall also take the official oath, which shall be endorsed on said
23 bond. Upon the filing of said bond, and the taking of said oath,
24 the commissioners of such district shall certify to the Governor
25 that each branch pilot has duly qualified to act as such, and
26 thereupon the Governor shall issue to said branch pilot, in the
27 name and under the state seal [~~of-the-State~~], a commission to serve

1 as branch pilot from such ports, across any intermediate bars, to
2 the open gulf; and said commission shall be for a term of four
3 years, unless such branch pilot shall be dismissed from service by
4 said navigation and canal commissioners, in which event such
5 commission shall expire.

6 SECTION 40. Section 4.06, Houston Pilots Licensing and
7 Regulatory Act (Article 8280a, Vernon's Texas Civil Statutes), is
8 amended to read as follows:

9 Sec. 4.06. ISSUANCE OF LICENSE. On filing of the bond and
10 oath provided by Section 4.09 of this Act, the board shall certify
11 to the governor that the branch pilot has duly qualified to act as
12 a branch pilot, and on receiving this certification, the governor
13 shall issue to the branch pilot, in the name and under the state
14 seal [~~of-the-state~~], a commission to serve as a branch pilot from
15 the ports within the jurisdiction of the board, across intermediate
16 bars, to and from the open gulf.

17 SECTION 41. Section 4.06(a), Galveston County Pilots
18 Licensing and Regulatory Act (Article 8280b, Vernon's Texas Civil
19 Statutes), is amended to read as follows:

20 (a) On filing of the bond and oath provided by Section 4.09
21 of this Act, the board shall certify to the governor that the
22 branch pilot has duly qualified to act as a branch pilot, and on
23 receiving this certification, the governor shall issue to the
24 branch pilot, in the name and under the state seal [~~of-the-state~~],
25 a commission to serve as a branch pilot from the ports within the
26 jurisdiction of the board, across intermediate bars, to and from
27 the open gulf.

1 SECTION 42. Section 4.06(a), Brazoria County Pilots
2 Licensing and Regulatory Act (Article 8280c, Vernon's Texas Civil
3 Statutes), is amended to read as follows:

4 (a) On filing of the bond and oath provided by Section 4.09
5 of this Act, the board shall certify to the governor that the
6 branch pilot has qualified to act as a branch pilot, and on
7 receiving this certification, the governor shall issue to the
8 branch pilot, in the name and under the state seal [~~of the--state~~],
9 a commission to serve as a branch pilot from the ports within the
10 jurisdiction of the board, across intermediate bars, to and from
11 the open gulf.

12 SECTION 43. The following laws are repealed:

13 (1) Articles 6139, 6140, 6141, and 6142, Revised
14 Statutes;

15 (2) Chapter 87, General Laws, Acts of the 43rd
16 Legislature, Regular Session, 1933 (Article 6142a, Vernon's Texas
17 Civil Statutes);

18 (3) Chapter 77, Acts of the 54th Legislature, Regular
19 Session, 1955 (Article 6142b, Vernon's Texas Civil Statutes);

20 (4) Section 11.05, State Purchasing and General
21 Services Act (Article 601b, Vernon's Texas Civil Statutes); and

22 (5) Section 17.07, Business & Commerce Code.

23 SECTION 44. This Act applies only to a license issued under
24 Section 17.08, Business & Commerce Code, on or after the effective
25 date of this Act. A license issued before the effective date of
26 this Act is governed by the law in effect at the time the license
27 was issued, and that law is continued in effect for this purpose.

1 SECTION 45. The change in the designation of the Great Seal
2 of the State of Texas, the seal of the secretary of state, or any
3 other seal under this Act does not affect the validity of any
4 document signed or any other act performed under seal before the
5 effective date of this Act.

6 SECTION 46. The change in law made by Section 43 of this Act
7 does not apply to a civil action commenced before the effective
8 date of this Act. A civil action commenced before the effective
9 date of this Act is covered by the law in effect when the action
10 was commenced, and the former law is continued in effect for this
11 purpose.

12 SECTION 47. The repeal of Section 11.05, State Purchasing
13 and General Services Act (Article 601b, Vernon's Texas Civil
14 Statutes), does not affect the validity of a contract entered into
15 under that section before the effective date of this Act.

16 SECTION 48. (a) The change in law made by Section 43 of
17 this Act does not apply to the prosecution of an offense committed
18 before the effective date of this Act. For purposes of this
19 section, an offense is committed before the effective date of this
20 Act if any element of the offense occurs before that date.

21 (b) An offense committed before the effective date of this
22 Act is covered by the law in effect when the offense was committed,
23 and the former law is continued in effect for this purpose.

24 SECTION 49. Each board, commission, department, institution,
25 office, or other agency of the state government, including an
26 institution of higher education as defined by Section 61.003,
27 Education Code, shall use the state flags, staffs, and finials and

1 any item bearing the Great Seal of Texas it has on the effective
2 date of this Act until those items are unserviceable.

3 SECTION 50. The importance of this legislation and the
4 crowded condition of the calendars in both houses create an
5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 1463

President of the Senate

Speaker of the House

I certify that H.B. No. 1463 was passed by the House on April 15, 1993, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1463 was passed by the Senate on May 14, 1993, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

H. B. No. 1463

By [Signature]

A BILL TO BE ENTITLED

AN ACT

relating to the description and use of the state flag, the governor's flag, and the state seal and to the adoption and rendition of the state song.

MAR 4 1993

1. Filed with the Chief Clerk.

MAR 8 1993

2. Read first time and Referred to Committee on INTERNATIONAL + CULTURAL RELATIONS

MAR 29 1993

3. Reported as amended favorably (as substituted) and sent to Printer at 4:30 pm

APR 5 1993

4. Printed and distributed at 2:30 pm APR 2 1993

APR 5 1993

5. Sent to Committee on Calendars at L&C 4:41 pm

APR 15 1993

6. Read second time (as amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of as subs. years, nays, present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ years, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ years, _____ nays, and _____ present, not voting.

APR 15 1993

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ years, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ years, _____ nays, and _____ present, not voting).

APR 15 1993

12. Ordered Engrossed at 12:43 pm

APR 15 1993

13. Engrossed.

APR 15 1993

14. Returned to Chief Clerk at 5:33 pm

APR 16 1993

15. Sent to Senate.

Betty Murray
Chief Clerk of the House

APR 19 1993

16. Received from the House

17. Read, referred to Committee on INTERNATIONAL RELATIONS
TRADE & TECHNOLOGY

4-28-93

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.) _____ years, _____ nays.)

59M

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 14 1993 *Raid before senate*

23. Read second time _____ passed to third reading by: ~~(a viva voce vote.)~~ _____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of 29 yeas, 0 nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by ~~(a viva voce vote.)~~ 29 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King
Secretary of the Senate

May 17, 1993 27. Returned to the House.

MAY 17 1993 28. Received from the Senate ~~(with amendments, as substituted.)~~

_____ 29. House (Concurred) (Refused to Concur) in Senate ^(Amendments) ~~(Substitute)~~ by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 17 1993 32. Ordered Enrolled at 10:22 am

HOUSE OF REPRESENTATIVES
93 APR 15 PM 5: 33
93 APR -5 PM 2: 30

President of the Senate

Speaker of the House

I certify that H.B. No. 1463[✓] was passed by the House
(1)
on April 15[✓], 1993, by a non-record vote.
(2)

Chief Clerk of the House

I certify that H.B. No. 1463[✓] was passed by the Senate
on May 14[✓], 1993, by the following vote:
(3)
Yeas 29[✓], Nays 0[✓]
(4) (5)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT27;

BILL ANALYSIS

Senate Research Center

H.B. 1463
By: Van de Putte
International Relations, Trade and Technology
4-26-93
Engrossed

BACKGROUND

The current law and resolutions concerning the state flag, state seal, and state song were adopted throughout this century and are in a state of disarray. The current laws do not specifically describe the state flag or seal and conflict with federal laws concerning flag etiquette.

PURPOSE

As proposed, H.B. 1463 sets forth descriptions and uses of the state flag, the governor's flag, the state arms, the state seal and the adoption and rendition of the state song.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is granted to the governor of Texas in SECTIONS 1 (Article 6139a, V.T.C.S.) and 3 (Article 6139c, V.T.C.S.) and the secretary of state in SECTION 6 (Article 6139f, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 106, V.T.C.S., by adding Article 6139a, as follows:

Art. 6139a. DESCRIPTION OF THE STATE FLAG. Sets forth the design, colors, and display of the state flag of Texas. Authorizes the governor to prescribe additional rules with respect to the description of the state flag. Requires the governor to set forth any alterations or additional rules in an executive order published in the *Texas Register*.

SECTION 2. Amends Title 106, V.T.C.S., by adding Article 6139b, as follows:

Art. 6139b. PLEDGE OF ALLEGIANCE TO THE STATE FLAG. Sets forth the language and the procedure for reciting the pledge of allegiance to the state flag.

SECTION 3. Amends Title 106, V.T.C.S., by adding Article 6139c, as follows:

Art. 6139c. TEXAS FLAG CODE

Sec. 1. Cites this article as the Texas Flag Code.

Sec. 2. Provides that the rules set out by Section 3 govern the use of the state flag in this state.

Sec. 3. Sets forth procedures for displaying the state flag.

Sec. 4. Authorizes the governor to alter, modify, or repeal any rule relating to the display of the state flag set forth in Section 3 or to prescribe additional rules with respect to the display of the state flag. Requires the governor to set forth any alterations or additional rules in an executive order published in the *Texas Register*.

Sec. 5. (a) Prohibits a governmental subdivision or agency from enacting or enforcing a law that prohibits the display of certain flags or any conduct covered by this article.

(b) Provides that this section does not apply to an action by a governmental subdivision or agency to enact or enforce a law established to protect the public health and safety.

SECTION 4. Amends Title 106, V.T.C.S., by adding Article 6139d, as follows:

Art. 6139d. FLAG OF THE GOVERNOR. Authorizes the governor to adopt a flag for the governor's official use. Requires the governor to set forth the description of the flag in an executive order published in the *Texas Register*.

SECTION 5. Amends Title 106, V.T.C.S., by adding Article 6139e, V.T.C.S., as follows:

Art. 6139e. STATE SONG. Sets forth the lyrics and the procedures for the rendition of the state song.

SECTION 6. Amends Title 106, V.T.C.S., by adding Article 6139f, V.T.C.S., as follows:

Art. 6139f. STATE SEAL; STATE ARMS. Sets forth the design of the state seal and the state arms. Requires the secretary of state, by rule, to adopt standard designs for the state seal, the reverse of the state seal, and the state arms. Provides that a law that requires the use of the state seal does not require the use of the state arms or the reverse of the state seal.

SECTION 7. Amends Section 2.02, Education Code, to make conforming changes.

SECTION 8. Amends Section 17.08, Business and Commerce Code, as follows:

Sec. 17.08. New title: PRIVATE USE OF STATE SEAL. (a) Amends the definition of "commercial purpose" and adds the definition of "state seal." Makes conforming changes.

(b)-(h) Make conforming changes.

SECTION 9. Amends Sections 9A(a) and (b), Article 4413(34b), V.T.C.S., to make conforming changes.

SECTION 10. Amends Section 30, Article 581-30, V.T.C.S., to make a conforming change.

SECTION 11. Amends Section 3, Article 717j-1, V.T.C.S., to make conforming changes.

SECTION 12. Amends Section 4.058, Article 717s, V.T.C.S., to make a conforming change.

SECTION 13. Amends Section 9.06, Article 1396-9.06, V.T.C.S., to make a conforming change.

SECTION 14. Amends Section 8, Article 1528b, V.T.C.S., to make a conforming change.

SECTION 15. Amends Section 7, Article 1528c, V.T.C.S., to make a conforming change.

SECTION 16. Amends Section 1, Article 2606a, V.T.C.S., to make a conforming change.

SECTION 17. Amends Article 4012, V.T.C.S., to make a conforming change.

SECTION 18. Amends Section 5, Article 4512b, V.T.C.S., to make conforming changes.

SECTION 19. Amends Section 2E(2), Article 4582b, V.T.C.S., to make a conforming change.

SECTION 20. Amends Section 5, Article 5154a, V.T.C.S., to make a conforming change.

SECTION 21. Amends Section 7(a), Article 6144h, V.T.C.S., to make a conforming change.

SECTION 22. Amends Article 6265, V.T.C.S., to make a conforming change.

SECTION 23. Amends Article 6528, V.T.C.S., to make conforming changes.

SECTION 24. Amends Section 201.048(d), Agriculture Code, to make a conforming change.

SECTION 25. Amends Article 9.05, V.T.C.S., to make a conforming change.

SECTION 26. Amends Article 48.03, Code of Criminal Procedure, to make a conforming change.

SECTION 27. Amends Section 22, Article 51.13, Code of Criminal Procedure, to make a conforming change.

SECTION 28. Amends Section 52.11(h), Education Code, to make a conforming change.

SECTION 29. Amends Section 88.204, Education Code, to make a conforming change.

SECTION 30. Amends Section 255.006(c), Education Code, to make a conforming change.

SECTION 31. Amends Section 441.059(a), Government Code, to make a conforming change.

- SECTION 32. Amends Section 465.025(d), Government Code, to make a conforming change.
- SECTION 33. Amends Section 221.104, Health and Safety Code, to make a conforming change.
- SECTION 34. Amends Section 345.063(b), Health and Safety Code, to make a conforming change.
- SECTION 35. Amends Section 51.243(a), Natural Resources Code, to make conforming changes.
- SECTION 36. Amends Section 161.116(b), Natural Resources Code, to make a conforming change.
- SECTION 37. Amends Section 162.036(b), Natural Resources Code, to make a conforming change.
- SECTION 38. Amends Section 171.355(d), Tax Code, to make a conforming change.
- SECTION 39. Amends Article 8253, V.T.C.S., to make a conforming change.
- SECTION 40. Amends Section 4.06, Article 8280a, V.T.C.S., to make a conforming change.
- SECTION 41. Amends Section 4.06(a), Article 8280b, V.T.C.S., to make a conforming change.
- SECTION 42. Amends Section 4.06(a), Article 8280c, V.T.C.S., to make a conforming change.
- SECTION 43. Repealer: (1) Articles 6139, 6140, 6141, and 6142, V.T.C.S.;
(2) Article 6142a, V.T.C.S.;
(3) Article 6142b, V.T.C.S.;
(4) Section 11.05, Article 601b, V.T.C.S.; and
(5) Section 17.07, Business and Commerce Code.
- SECTION 44. Provides that this Act applies only to a license issued under Section 17.08, Business & Commerce Code, on or after the effective date of this Act. Provides that a license issued before the effective date of this Act is governed by the law in effect at the time the license was issued, and that law is continued in effect for this purpose.
- SECTION 45. Provides that the change in the designation of any seal under this Act does not affect the validity of any document signed or any other act performed under seal before the effective date of this Act.
- SECTION 46. Provides that the change in law made by Section 43 of this Act does not apply to a civil action commenced before the effective date of this Act. Provides that a civil action commenced before the effective date of this Act is covered by the law in effect when the action was commenced, and the former law is continued in effect for this purpose.
- SECTION 47. Provides that the repeal of Section 11.05, Article 601b, V.T.C.S. (State Purchasing and General Services Act) does not affect the validity of a contract entered into under that section before the effective date of this Act.
- SECTION 48. (a) Provides that the change in law made by Section 43 of this Act does not apply to the prosecution of an offense committed before the effective date of this Act. Provides that an offense is committed before the effective date of this Act if any element of the offense occurs before that date for purposes of this section.
- (b) Provides that an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.
- SECTION 49. Requires each agency of the state government, including an institution of higher education as defined by Section 61.003, Education Code, to use the state flags, staffs, and finials and any item bearing the Great Seal of Texas it has on the effective date of this Act until those items are unserviceable.
- SECTION 50. Emergency clause.
Effective date: 90 days after adjournment.

BILL ANALYSIS

Senate Research Center

H.B. 1463
By: Van de Putte
International Relations, Trade and Technology
4-27-93
Engrossed

BACKGROUND

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Art. 6139a. DESCRIPTION OF THE STATE FLAG. Sets forth the design, colors, and display of the state flag of Texas. Authorizes the governor to prescribe additional rules with respect to the description of the state flag. Requires the governor to set forth any alterations or additional rules in an executive order published in the *Texas Register*.

SECTION 2. Amends Title 106, V.T.C.S., by adding Article 6139b, as follows:

Art. 6139b. PLEDGE OF ALLEGIANCE TO THE STATE FLAG. Sets forth the language and the procedure for reciting the pledge of allegiance to the state flag.

SECTION 3. Amends Title 106, V.T.C.S., by adding Article 6139c, as follows:

Art. 6139c. TEXAS FLAG CODE

Sec. 1. Cites this article as the Texas Flag Code.

Sec. 2. Provides that the rules set out by Section 3 govern the use of the state flag in this state.

Sec. 3. Sets forth procedures for displaying the state flag.

Sec. 4. Authorizes the governor to alter, modify, or repeal any rule relating to the display of the state flag set forth in Section 3 or to prescribe additional rules with respect to the display of the state flag. Requires the governor to set forth any alterations or additional rules in an executive order published in the *Texas Register*.

Sec. 5. (a) Prohibits a governmental subdivision or agency from enacting or enforcing a law that prohibits the display of certain flags or any conduct covered by this article.

(b) Provides that this section does not apply to an action by a governmental subdivision or agency to enact or enforce a law established to protect the public health and safety.

SECTION 4. Amends Title 106, V.T.C.S., by adding Article 6139d, as follows:

Art. 6139d. FLAG OF THE GOVERNOR. Authorizes the governor to adopt a flag for the governor's official use. Requires the governor to set forth the description of the flag in an executive order published in the *Texas Register*.

SECTION 5. Amends Title 106, V.T.C.S., by adding Article 6139e, V.T.C.S., as follows:

Art. 6139e. STATE SONG. Sets forth the lyrics and the procedures for the rendition of the state song.

SECTION 6. Amends Title 106, V.T.C.S., by adding Article 6139f, V.T.C.S., as follows:

Art. 6139f. STATE SEAL; STATE ARMS. Sets forth the design of the state seal and the state arms. Requires the secretary of state, by rule, to adopt standard designs for the state seal, the reverse of the state seal, and the state arms. Provides that a law that requires the use of the state seal does not require the use of the state arms or the reverse of the state seal.

SECTION 7. Amends Section 2.02, Education Code, to make conforming changes.

SECTION 8. Amends Section 17.08, Business and Commerce Code, as follows:

Sec. 17.08. New title: PRIVATE USE OF STATE SEAL. (a) Amends the definition of "commercial purpose" and adds the definition of "state seal." Makes conforming changes.

(b)-(h) Make conforming changes.

SECTION 9. Amends Sections 9A(a) and (b), Article 4413(34b), V.T.C.S., to make conforming changes.

SECTION 10. Amends Section 30, Article 581-30, V.T.C.S., to make a conforming change.

SECTION 11. Amends Section 3, Article 717j-1, V.T.C.S., to make conforming changes.

SECTION 12. Amends Section 4.058, Article 717s, V.T.C.S., to make a conforming change.

SECTION 13. Amends Section 9.06, Article 1396-9.06, V.T.C.S., to make a conforming change.

SECTION 14. Amends Section 8, Article 1528b, V.T.C.S., to make a conforming change.

SECTION 15. Amends Section 7, Article 1528c, V.T.C.S., to make a conforming change.

SECTION 16. Amends Section 1, Article 2606a, V.T.C.S., to make a conforming change.

SECTION 17. Amends Article 4012, V.T.C.S., to make a conforming change.

SECTION 18. Amends Section 5, Article 4512b, V.T.C.S., to make conforming changes.

SECTION 19. Amends Section 2E(2), Article 4582b, V.T.C.S., to make a conforming change.

SECTION 20. Amends Section 5, Article 5154a, V.T.C.S., to make a conforming change.

SECTION 21. Amends Section 7(a), Article 6144h, V.T.C.S., to make a conforming change.

SECTION 22. Amends Article 6265, V.T.C.S., to make a conforming change.

SECTION 23. Amends Article 6528, V.T.C.S., to make conforming changes.

SECTION 24. Amends Section 201.048(d), Agriculture Code, to make a conforming change.

SECTION 25. Amends Article 9.05, V.T.C.S., to make a conforming change.

SECTION 26. Amends Article 48.03, Code of Criminal Procedure, to make a conforming change.

SECTION 27. Amends Section 22, Article 51.13, Code of Criminal Procedure, to make a conforming change.

SECTION 28. Amends Section 52.11(h), Education Code, to make a conforming change.

SECTION 29. Amends Section 88.204, Education Code, to make a conforming change.

SECTION 30. Amends Section 255.006(c), Election Code, to make a conforming change.

SECTION 31. Amends Section 441.059(a), Government Code, to make a conforming change.

SECTION 32. Amends Section 465.025(d), Government Code, to make a conforming change.

SECTION 33. Amends Section 221.104, Health and Safety Code, to make a conforming change.

SECTION 34. Amends Section 345.063(b), Health and Safety Code, to make a conforming change.

SECTION 35. Amends Section 51.243(a), Natural Resources Code, to make conforming changes.

SECTION 36. Amends Section 161.116(b), Natural Resources Code, to make a conforming change.

SECTION 37. Amends Section 162.036(b), Natural Resources Code, to make a conforming change.

SECTION 38. Amends Section 171.355(d), Tax Code, to make a conforming change.

SECTION 39. Amends Article 8253, V.T.C.S., to make a conforming change.

SECTION 40. Amends Section 4.06, Article 8280a, V.T.C.S., to make a conforming change.

SECTION 41. Amends Section 4.06(a), Article 8280b, V.T.C.S., to make a conforming change.

SECTION 42. Amends Section 4.06(a), Article 8280c, V.T.C.S., to make a conforming change.

SECTION 43. Repealer: (1) Articles 6139, 6140, 6141, and 6142, V.T.C.S.;
(2) Article 6142a, V.T.C.S.;
(3) Article 6142b, V.T.C.S.;
(4) Section 11.05, Article 601b, V.T.C.S.; and
(5) Section 17.07, Business and Commerce Code.

SECTION 44. Provides that this Act applies only to a license issued under Section 17.08, Business & Commerce Code, on or after the effective date of this Act. Provides that a license issued before the effective date of this Act is governed by the law in effect at the time the license was issued, and that law is continued in effect for this purpose.

SECTION 45. Provides that the change in the designation of any seal under this Act does not affect the validity of any document signed or any other act performed under seal before the effective date of this Act.

SECTION 46. Provides that the change in law made by Section 43 of this Act does not apply to a civil action commenced before the effective date of this Act. Provides that a civil action commenced before the effective date of this Act is covered by the law in effect when the action was commenced, and the former law is continued in effect for this purpose.

SECTION 47. Provides that the repeal of Section 11.05, Article 601b, V.T.C.S. (State Purchasing and General Services Act) does not affect the validity of a contract entered into under that section before the effective date of this Act.

SECTION 48. (a) Provides that the change in law made by Section 43 of this Act does not apply to the prosecution of an offense committed before the effective date of this Act. Provides that an offense is committed before the effective date of this Act if any element of the offense occurs before that date for purposes of this section.

(b) Provides that an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 49. Requires each agency of the state government, including an institution of higher education as defined by Section 61.003, Education Code, to use the state flags, staffs, and finials and any item bearing the Great Seal of Texas it has on the effective date of this Act until those items are unserviceable.

SECTION 50. Emergency clause.
Effective date: 90 days after adjournment.

BILL ANALYSIS

Senate Research Center

H.B. 1463
By: Van de Putte
International Relations, Trade and Technology
8-12-93
Enrolled

BACKGROUND

The current law and resolutions concerning the state flag, state seal, and state song were adopted throughout this century and are in a state of disarray. The current laws do not specifically describe the state flag or seal and conflict with federal laws concerning flag etiquette.

PURPOSE

As enrolled, H.B. 1463 sets forth descriptions and uses of the state flag, the governor's flag, the state arms, the state seal and the adoption and rendition of the state song.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is granted to the governor of Texas in SECTIONS 1 (Article 6139a, V.T.C.S.) and 3 (Article 6139c, V.T.C.S.) and the secretary of state in SECTION 6 (Article 6139f, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 106, V.T.C.S., by adding Article 6139a, as follows:

Art. 6139a. DESCRIPTION OF THE STATE FLAG. Sets forth the design, colors, and display of the state flag of Texas. Authorizes the governor to prescribe additional rules with respect to the description of the state flag. Requires the governor to set forth any alterations or additional rules in an executive order published in the *Texas Register*.

SECTION 2. Amends Title 106, V.T.C.S., by adding Article 6139b, as follows:

Art. 6139b. PLEDGE OF ALLEGIANCE TO THE STATE FLAG. Sets forth the language and the procedure for reciting the pledge of allegiance to the state flag.

SECTION 3. Amends Title 106, V.T.C.S., by adding Article 6139c, as follows:

Art. 6139c. TEXAS FLAG CODE

Sec. 1. Cites this article as the Texas Flag Code.

Sec. 2. Provides that the rules set out by Section 3 govern the use of the state flag in this state.

Sec. 3. Sets forth procedures for displaying the state flag.

Sec. 4. Authorizes the governor to alter, modify, or repeal any rule relating to the display of the state flag set forth in Section 3 or to prescribe additional rules with respect to the display of the state flag. Requires the governor to set forth any alterations or additional rules in an executive order published in the *Texas Register*.

Sec. 5. (a) Prohibits a governmental subdivision or agency from enacting or enforcing a law that prohibits the display of certain flags or any conduct covered by this article.

(b) Provides that this section does not apply to an action by a governmental subdivision or agency to enact or enforce a law established to protect the public health and safety.

SECTION 4. Amends Title 106, V.T.C.S., by adding Article 6139d, as follows:

Art. 6139d. FLAG OF THE GOVERNOR. Authorizes the governor to adopt a flag for the governor's official use. Requires the governor to set forth the description of the flag in an executive order published in the *Texas Register*.

SECTION 5. Amends Title 106, V.T.C.S., by adding Article 6139e, V.T.C.S., as follows:

Art. 6139e. STATE SONG. Sets forth the lyrics and the procedures for the rendition of the state song.

SECTION 6. Amends Title 106, V.T.C.S., by adding Article 6139f, V.T.C.S., as follows:

Art. 6139f. STATE SEAL; STATE ARMS. Sets forth the design of the state seal and the state arms. Requires the secretary of state, by rule, to adopt standard designs for the state seal, the reverse of the state seal, and the state arms. Provides that a law that requires the use of the state seal does not require the use of the state arms or the reverse of the state seal.

SECTION 7. Amends Section 2.02, Education Code, to make conforming changes.

SECTION 8. Amends Section 17.08, Business and Commerce Code, as follows:

Sec. 17.08. New title: PRIVATE USE OF STATE SEAL. (a) Amends the definition of "commercial purpose" and adds the definition of "state seal." Makes conforming changes.

(b)-(h) Make conforming changes.

SECTION 9. Amends Sections 9A(a) and (b), Article 4413(34b), V.T.C.S., to make conforming changes.

SECTION 10. Amends Section 30, Article 581-30, V.T.C.S., to make a conforming change.

SECTION 11. Amends Section 3, Article 717j-1, V.T.C.S., to make conforming changes.

SECTION 12. Amends Section 4.058, Article 717s, V.T.C.S., to make a conforming change.

SECTION 13. Amends Section 9.06, Article 1396-9.06, V.T.C.S., to make a conforming change.

SECTION 14. Amends Section 8, Article 1528b, V.T.C.S., to make a conforming change.

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SECTION 16. Amends Section 1, Article 2606a, V.T.C.S., to make a conforming change.

SECTION 17. Amends Article 4012, V.T.C.S., to make a conforming change.

SECTION 18. Amends Section 5, Article 4512b, V.T.C.S., to make conforming changes.

SECTION 19. Amends Section 2E(2), Article 4582b, V.T.C.S., to make a conforming change.

SECTION 20. Amends Section 5, Article 5154a, V.T.C.S., to make a conforming change.

SECTION 21. Amends Section 7(a), Article 6144h, V.T.C.S., to make a conforming change.

SECTION 22. Amends Article 6265, V.T.C.S., to make a conforming change.

SECTION 23. Amends Article 6528, V.T.C.S., to make conforming changes.

SECTION 24. Amends Section 201.048(d), Agriculture Code, to make a conforming change.

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SECTION 26. Amends Article 48.03, Code of Criminal Procedure, to make a conforming change.

SECTION 27. Amends Section 22, Article 51.13, Code of Criminal Procedure, to make a conforming change.

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SECTION 37. Amends Section 162.036(b), Natural Resources Code, to make a conforming change.

SECTION 38. Amends Section 171.355(d), Tax Code, to make a conforming change.

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SECTION 40. Amends Section 4.06, Article 8280a, V.T.C.S., to make a conforming change.

SECTION 41. Amends Section 4.06(a), Article 8280b, V.T.C.S., to make a conforming change.

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SECTION 43. Repealer: (1) Articles 6139, 6140, 6141, and 6142, V.T.C.S.;

(2) Article 6142a, V.T.C.S.;

(3) Article 6142b, V.T.C.S.;

(4) Section 11.05, Article 601b, V.T.C.S.; and

(5) Section 17.07, Business and Commerce Code.

SECTION 44. Provides that this Act applies only to a license issued under Section 17.08, Business and Commerce Code, on or after the effective date of this Act. Provides that a license issued before the effective date of this Act is governed by the law in effect at the time the license was issued, and that law is continued in effect for this purpose.

SECTION 45. Provides that the change in the designation of any seal under this Act does not affect the validity of any document signed or any other act performed under seal before the effective date of this Act.

SECTION 46. Provides that the change in law made by Section 43 of this Act does not apply to a civil action commenced before the effective date of this Act. Provides that a civil action commenced before the effective date of this Act is covered by the law in effect when the action was commenced, and the former law is continued in effect for this purpose.

SECTION 47. Provides that the repeal of Section 11.05, Article 601b, V.T.C.S. (State Purchasing and General Services Act) does not affect the validity of a contract entered into under that section before the effective date of this Act.

SECTION 48. (a) Provides that the change in law made by Section 43 of this Act does not apply to the prosecution of an offense committed before the effective date of this Act. Provides that an offense is committed before the effective date of this Act if any element of the offense occurs before that date for purposes of this section.

(b) Provides that an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 49. Requires each agency of the state government, including an institution of higher education as defined by Section 61.003, Education Code, to use the state flags, staffs, and finials and any item bearing the Great Seal of Texas it has on the effective date of this Act until those items are unserviceable.

SECTION 50. Emergency clause.

Effective date: 90 days after adjournment.

BILL ANALYSIS

Senate Research Center

H.B. 1463
By: Van de Putte
International Relations, Trade and Technology
8-12-93
Enrolled

BACKGROUND

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PURPOSE

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SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 106, V.T.C.S., by adding Article 6139a, as follows:

Art. 6139a. DESCRIPTION OF THE STATE FLAG. Sets forth the design, colors, and display of the state flag of Texas. Authorizes the governor to prescribe additional rules with respect to the description of the state flag. Requires the governor to set forth any alterations or additional rules in an executive order published in the *Texas Register*.

SECTION 2. Amends Title 106, V.T.C.S., by adding Article 6139b, as follows:

Art. 6139b. PLEDGE OF ALLEGIANCE TO THE STATE FLAG. Sets forth the language and the procedure for reciting the pledge of allegiance to the state flag.

SECTION 3. Amends Title 106, V.T.C.S., by adding Article 6139c, as follows:

Art. 6139c. TEXAS FLAG CODE

Sec. 1. Cites this article as the Texas Flag Code.

Sec. 2. Provides that the rules set out by Section 3 govern the use of the state flag in this state.

Sec. 3. Sets forth procedures for displaying the state flag.

Sec. 4. Authorizes the governor to alter, modify, or repeal any rule relating to the display of the state flag set forth in Section 3 or to prescribe additional rules with respect to the display of the state flag. Requires the governor to set forth any alterations or additional rules in an executive order published in the *Texas Register*.

Sec. 5. (a) Prohibits a governmental subdivision or agency from enacting or enforcing a law that prohibits the display of certain flags or any conduct covered by this article.

(b) Provides that this section does not apply to an action by a governmental subdivision or agency to enact or enforce a law established to protect the public health

and safety.

SECTION 4. Amends Title 106, V.T.C.S., by adding Article 6139d, as follows:

Art. 6139d. FLAG OF THE GOVERNOR. Authorizes the governor to adopt a flag for the governor's official use. Requires the governor to set forth the description of the flag in an executive order published in the *Texas Register*.

SECTION 5. Amends Title 106, V.T.C.S., by adding Article 6139e, V.T.C.S., as follows:

Art. 6139e. STATE SONG. Sets forth the lyrics and the procedures for the rendition of the state song.

SECTION 6. Amends Title 106, V.T.C.S., by adding Article 6139f, V.T.C.S., as follows:

Art. 6139f. STATE SEAL; STATE ARMS. Sets forth the design of the state seal and the state arms. Requires the secretary of state, by rule, to adopt standard designs for the state seal, the reverse of the state seal, and the state arms. Provides that a law that requires the use of the state seal does not require the use of the state arms or the reverse of the state seal.

SECTION 7. Amends Section 2.02, Education Code, to make conforming changes.

SECTION 8. Amends Section 17.08, Business and Commerce Code, as follows:

Sec. 17.08. New title: PRIVATE USE OF STATE SEAL. (a) Amends the definition of "commercial purpose" and adds the definition of "state seal." Makes conforming changes.

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SECTION 9. Amends Sections 9A(a) and (b), Article 4413(34b), V.T.C.S., to make conforming changes.

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SECTION 43. Repealer: (1) Articles 6139, 6140, 6141, and 6142, V.T.C.S.;

(2) Article 6142a, V.T.C.S.;

(3) Article 6142b, V.T.C.S.;

(4) Section 11.05, Article 601b, V.T.C.S.; and

(5) Section 17.07, Business and Commerce Code.

SECTION 44. Provides that this Act applies only to a license issued under Section 17.08, Business and Commerce Code, on or after the effective date of this Act. Provides that a license issued before the effective date of this Act is governed by the law in effect at the time the license was issued, and that law is continued in effect for this purpose.

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SECTION 48. (a) Provides that the change in law made by Section 43 of this Act does not apply to the prosecution of an offense committed before the effective date of this Act. Provides that an offense is committed before the effective date of this Act if any element of the offense occurs before that date for purposes of this section.

(b) Provides that an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 49. Requires each agency of the state government, including an institution of higher education as defined by Section 61.003, Education Code, to use the state flags, staffs, and finials and any item bearing the Great Seal of Texas it has on the effective date of this Act until those items are unserviceable.

SECTION 50. Emergency clause.
Effective date: 90 days after adjournment.