

BILL ANALYSIS

Senate Research Center

S.B. 1968
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Veteran Affairs & Border Security
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The state last updated the Texas flag code to conform with the United States flag code in 1993. Since then, however, the federal code has been amended, particularly with regard to military salutes made by veterans and members of the military who are not in uniform at patriotic ceremonies. Accordingly, S.B. 1968 would update Texas law with more recent changes to the federal code.

For example, to mirror the federal code, S.B. 1968 would clarify that a veteran or a member of the military who is not in uniform may make the military salute during the ceremony of hoisting or lowering the state flag or if the flag is passing in a parade or in review; may make the military salute and recite the pledge to the state flag; may make the military salute at the appropriate time during a retirement ceremony for the state flag; and may make the military salute during a performance of the state song.

What's more, S.B. 1968 would replace an erroneous reference to "the space station at Houston" with "the Johnson Space Center in Houston" in the language regarding the official retirement ceremony for the state flag.

S.B. 1968 amends current law relating to the state flag code.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3100.068(b), Government Code, as follow:

(b) Authorizes each person who is present, not in uniform, and a member of the armed forces or a veteran, during the ceremony of hoisting or lowering the state flag or if the flag is passing in a parade or in review, to make the military salute. Makes a nonsubstantive change. Redesignates existing Subdivision (3) as Subdivision (4) and makes no further changes to this subdivision.

SECTION 2. Amends Section 3100.104, Government Code, as follows:

Sec. 3100.104. RECITING PLEDGE. Authorizes each person who is present and not in uniform and a member of the armed forces or a veteran, if the pledge to the state flag is recited, to make the military salute and recite the pledge. Makes a nonsubstantive change. Redesignates existing Subdivision (2) as Subdivision (3) and makes no further changes to this subdivision.

SECTION 3. Amends Sections 3100.152(b) and (d), Government Code, as follows:

(b) Authorizes each person who is present, not in uniform, and a member of the armed forces or a veteran, during a retirement ceremony, to make the military salute at the appropriate time as designated by the ceremony. Makes a nonsubstantive change.

Redesignates existing Subdivision (3) as Subdivision (4) and makes no further changes to this subdivision.

(d) Provides that the official retirement ceremony for the state flag encouraged for public use includes I am at the Johnson Space Center in Houston, rather than in the space station at Houston, and atop the oil wells of West Texas.

SECTION 4. Amends Section 3101.006(a), Government Code, as follows:

(a) Authorizes each person who is present, not in uniform, and a member of the armed forces or a veteran, during the performance of the state song, to make the military salute at the first note of the state song and retain that position until the last note. Makes a nonsubstantive change. Redesignates existing Paragraph (C) as Paragraph (D) and makes no further changes to this subdivision.

SECTION 5. Effective date: upon passage or September 1, 2017.