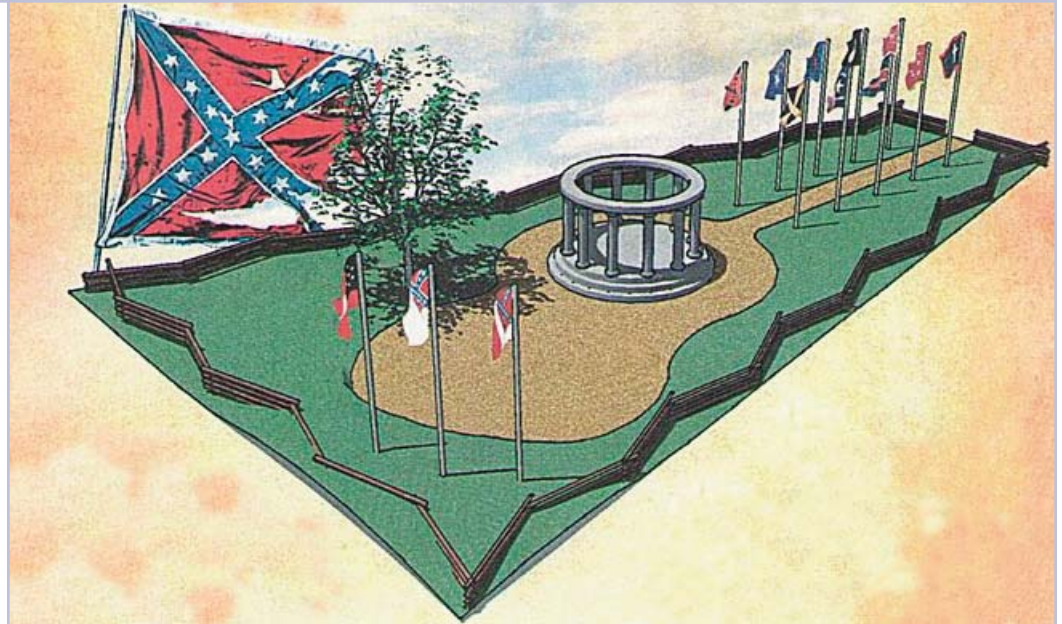


The National Standard

BULLETIN OF THE VEXILLOLOGICAL ASSOCIATION OF THE STATE OF TEXAS

NUMBER FOUR
SPRING-SUMMER
2013



“MAKE A STAND ON I-10”: The proposed design of the Confederate Memorial being constructed in Orange, Texas. *Texas Div., Sons of Confederate Veterans.*

ORANGE CITY OFFICIALS OPPOSE CONSTRUCTION OF “CONFEDERATE MEMORIAL OF THE WIND”

A proposed Confederate memorial being built along Martin Luther King Jr. Drive in Orange has opened yet another front in the ongoing statewide debate over the use of the Confederate battle flag and other imagery.

The Texas Division of the Sons of Confederate Veterans is building the Confederate Memorial of the Wind along Interstate 10; it fronts the city’s street named for the late civil rights leader. Organizers say they want passengers in an estimated 55,000 cars per day to see 20 3x5-foot Confederate flags flying on 30-foot flagpoles to honor their ancestors who fought for the South.

Community opposition was on display at the Orange City Council’s April 9 meeting. A standing-room only crowd gathered as the council considered a resolution opposing the memorial’s construction. No one spoke in opposition to the resolution.

“I have talked with a representative of Sons of Confederate Veterans,” Methodist minister Tony Hoefner said, in speaking for the resolution. “I think we should be working towards dialogue instead of rushing to condemn. I do not have a problem with a veterans memorial. I have a problem with the flag. Dialogue may bear fruit.”

The council then adopted a non-binding resolution opposing the construction and location of the park. The council passed an emergency ordinance to regulate flagpoles, flags and banners within the city; it is unclear whether the ordinance would affect construction of the memorial. The memorial is scheduled to open sometime in 2014.

CONTENTS

2013 Flag Laws.....2
Vexillology Comm’n.....4

FLAG LEGISLATION ENACTED BY THE 83d LEGISLATURE

Chapter 226, 2013 General & Special Laws of Texas

H.B. No. 150

AN ACT

relating to the display of flags at half-staff at the Capitol building to honor service members killed in action.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 443.024, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The flag of the State of Texas and the flag of the United States shall be flown at half-staff at the Capitol building on the death of a member of the armed forces of the United States who was a resident of this state and who was killed in action. The flags shall be displayed at half-staff for one day following the date the person's family is notified of the person's death. The office of the governor shall notify the State Preservation Board of the days on which flags shall be flown at half-staff under this subsection.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the House on April 11, 2013: Yeas 144, Nays 0, 2 present, not voting. Passed the Senate on May 17, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective June 14, 2013.

Chapter 1389, 2013 General & Special Laws of Texas

H.B. No. 680

AN ACT

relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 202.001, Property Code, is amended by adding Subdivision (5) to read as follows:

(5) "Front yard" means a yard within a lot having a front building setback line with a setback of not less than 15 feet extending the full width of the lot between the front lot line and the front building setback line.

SECTION 2. Section 202.011, Property Code, as added by Chapter 1028 (H.B. 2779), Acts of the 82nd Legislature, Regular Session, 2011, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A property owners' association may adopt or enforce reasonable dedicatory instrument provisions:

(1) that require:

(A) the flag of the United States be displayed in accordance with 4 U.S.C. Sections 5-10;

(B) the flag of the State of Texas be displayed in accordance with Chapter 3100, Government Code;

(C) a flagpole attached to a dwelling or a free-standing flagpole be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling;

(D) the display of a flag, or the location and construction of the supporting flagpole, to comply with applicable zoning ordinances, easements, and setbacks of record; and

(E) a displayed flag and the flagpole on which it is flown be maintained in good condition and that any deteriorated flag or deteriorated or structurally unsafe flagpole be repaired, replaced, or removed;

(2) that regulate the size, number, and location of flagpoles on which flags are displayed, except that the regulation may not prevent the installation or erection of at least one flagpole per property that:

(A) is not more than 20 feet in height and, subject to applicable zoning ordinances, easements, and setbacks of record, is located in the front yard of the property; or

(B) is attached to any portion of a residential structure owned by the property owner and not maintained by the property owners' association;

(3) that govern the size of a displayed flag;

(4) that regulate the size, location, and intensity of any lights used to illuminate a displayed flag;

(5) that impose reasonable restrictions to abate noise caused by an external halyard of a flagpole; or

(6) that prohibit a property owner from locating a displayed flag or flagpole on property that is:

(A) owned or maintained by the property owners' association; or

(B) owned in common by the members of the association.

(c) A property owner who has a front yard and who otherwise complies with any permitted property owners' association regulations may elect to install a flagpole in accordance with either Subsection (b)(2)(A) or Subsection (b)(2)(B).

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 3, 2013: Yeas 145, Nays 2, 2 present, not voting. Passed by the Senate with amendments on May 22, 2013: Yeas 31, Nays 0. House refused to concur in Senate amendments. Conference com-

THE NATIONAL STANDARD (Continuing VAST News) (ISSN 2165-0101 (Print); ISSN 2165-011X (Online)) is published twice each year by the Vexillological Association of the State of Texas, member of the Fédération internationale des associations vexillologiques. For questions or information, contact: VAST, 504 Branard Street, Houston, Texas 77006-5018 USA. E-mail: info@texflags.org Internet: www.texflags.org

VEXILLOLOGICAL ASSOCIATION OF THE STATE OF TEXAS

JAMES T. LISTON President | **HUGH L. BRADY** FF Vice President | **CHARLES A. SPAIN** Secretary-Treasurer

mittee reported adopted by the House on May 26, 2013: Yeas 146, Nays 1, 2 present, not voting. Conference committee report adopted by the Senate on May 26, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective June 14, 2013.

Chapter 881, 2013 General & Special Laws of Texas

H.B. No. 773

AN ACT

relating to the recitation of the pledges of allegiance to and display of the United States and state flags at and the observation of a moment of silence at open-enrollment charter schools and other public schools.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 25.082, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (b-1) to read as follows:

(b) The board of trustees of each school district *and the governing board of each open-enrollment charter school* shall require students, once during each school day at each campus [~~school in the district~~], to recite:

(1) the pledge of allegiance to the United States flag in accordance with 4 U.S.C. Section 4 [~~and its subsequent amendments~~]; and

(2) the pledge of allegiance to the state flag in accordance with Subchapter C, Chapter 3100, Government Code.

(b-1) *The board of trustees of each school district and the governing board of each open-enrollment charter school shall require that the United States and Texas flags be prominently displayed in accordance with 4 U.S.C. Sections 5-10 and Chapter 3100, Government Code, in each campus classroom to which a student is assigned at the time the pledges of allegiance to those flags are recited. A district or school is not required to spend federal, state, or local district or school funds to acquire flags required under this subsection. A district or school may raise money or accept gifts, grants, and donations to acquire flags required under this subsection.*

(c) On written request from a student's parent or guardian, a school district *or open-enrollment charter school* shall excuse the student from reciting a pledge of allegiance under Subsection (b).

(d) The board of trustees of each school district *and the governing board of each open-enrollment charter school* shall provide for the observance of one minute of silence at each campus [~~school in the district~~] following the recitation of the pledges of allegiance to the United States and Texas flags under Subsection (b). During the one-minute period, each student may, as the student chooses, reflect, pray, meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of students during that period shall ensure that each of those students remains silent and does not act in a manner that is likely to interfere with or distract another student.

SECTION 2. (a) Sections 25.082(b), (c), and (d), Education Code, as amended by this Act, apply beginning with the 2013-2014 school year.

(b) Section 25.082(b-1), Education Code, as added by this Act, applies beginning with the 2016-2017 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote neces-

sary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 26, 2013: Yeas 139, Nays 1, 2 present, not voting. Passed by the Senate, with amendments, on May 16, 2013: Yeas 29, Nays 0. Conference committee reported adopted by the House on May 26, 2013: Yeas 140, Nays 2, 2 present, not voting. Conference committee reported adopted by the Senate on May 26, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective June 14, 2013.

Chapter 1205, 2013 General & Special Laws of Texas

S.B. No. 1373

AN ACT

relating to display of the Honor and Remember flag.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 2165, Government Code, is amended by adding Section 2165.0065 to read as follows:

Sec. 2165.0065. DISPLAY OF HONOR AND REMEMBER FLAG. (a) In this section, "Honor and Remember flag" means the Honor and Remember, Inc., flag.

(b) The Honor and Remember flag may be displayed at each state office building, at the State Cemetery under Section 2165.256, and at each veterans cemetery managed by the Veterans' Land Board on:

(1) the third Saturday in May, "Armed Forces Day";

(2) the last Monday in May, "Memorial Day";

(3) the last Sunday in September, "Gold Star Mother's Day";

(4) the 11th day of November, "Veterans Day"; and
(5) any date on which a resident of this state is killed while serving on active duty in the armed forces of the United States.

SECTION 2. The Honor and Remember flag is designated as the symbol of our state's concern and commitment to honoring and remembering the lives of all members of the United States armed forces who have lost their lives while serving or as a result of service and their families.

SECTION 3. The Honor and Remember flag's red field represents the blood shed by brave men and women who sacrificed their lives for freedom, and the flag's white border recognizes the purity of that sacrifice. The flag's blue star is a symbol of active service in military conflict that dates back to World War I. The flag's gold star signifies the ultimate sacrifice of a warrior in active service who is not returning home and reflects the value of the life given. The folded flag element highlights this nation's final tribute to a fallen service member and a family's sacrifice. The flag's flame symbolizes the eternal spirit of the departed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on April 11, 2013: Yeas 31, Nays 0. Passed the House, with amendments, on May 22, 2013: Yeas 145, Nays 3, two present not voting. Conference committee report adopted by the Senate on May 26, 2013: Yeas 31, Nays 0. Conference committee report adopted by the House on May 26, 2013: Yeas 145, Nays 2, two present not voting.

Approved June 14, 2013.
Effective June 14, 2013.



FIRST COUPLE: Gov. Leticia Van de Putte and Commr. H.P. (Pete) Van de Putte, in front of the Sam Houston portrait, at the Governor's Mansion. *Courtesy Texas Senate Media Servs.*

TEXAS VEXILLOLOGY COMMISSION NAMED BY GOVERNOR LETICIA VAN DE PUTTE

Under the decades-old tradition of Governor for a Day, the president pro tempore of the Texas Senate, third in line for the governorship, is elevated to the seat when the Governor and Lieut. Governor leave the state for the day. Senator Leticia Van de Putte served as Governor on May 4, 2013.

As part of her official acts, she appointed First Gentleman H.P. (Pete) Van de Putte as Chairman of the Texas Vexillology Commission.

"Since six national flags have flown over the state of Texas," the official notice stated, "it is fitting that Pete Van de Putte will serve as the Commissioner of Vexillology where he will use his expert knowledge of the scientific study of flags and their related emblems in issues that are relevant to Texas and its history."

Van de Putte, the president and C.E.O. of San Antonio-based Dixie Flag Mfg. Co., is a member of the Association, the North American Vexillological Association, and the National Independent Flag Dealers Association, from whom he received the Betsy Ross Award for Outstanding Service. He is a Distinguished Alumnus of St. Mary's University, San Antonio, where he received a B.A. in Music Education.

Governor Van de Putte also appointed Hugh L. Brady, of Austin; Charles A. Spain, of Houston; and David Ott, of Beaumont, as members of the Commission.

Commissioners filed a report with Governor Van de Putte affirming that, "[a]fter reviewing the existing historical records, the Commission finds that no primary evidence has been brought forth to substantiate the claim that the Lone Star Flag was designed by Charles B. Stewart" and concluding that "[u]ntil any such evidence is discovered, House Concurrent Resolution 9 of the 72nd Legislature, Fourth Called Session, correctly declared that subsequent historical research has revealed that the actual designer of the Lone Star Flag is unknown."