

CHAPTER 300

H.B. No. 1463

AN ACT

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.

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

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

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

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

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

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

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

(d) The red and blue colors of the state flag are the same colors used in the United States flag and are defined as numbers 80108 (red) and 80075 (dark blue) of The Standard Color Reference of America, 10th edition.

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

(f) When the state flag is displayed on a staff, the staff should be at least 2½ times as long as the flag's hoist, and the state flag should be attached to the staff's peak. The staff's finial should be either a lone star or a spearhead.

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

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

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

(b) The pledge of allegiance to the state flag should be rendered by all present except those in uniform by standing at attention facing the flag with the right hand over the heart. Individuals who are not in uniform and 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 in uniform should remain silent, face the flag, and render the military salute.

(c) The pledge of allegiance to the state flag may be recited at all public and private meetings at which the pledge of allegiance to the United States flag is recited and at state historical events and celebrations.

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

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

Art. 6139c. TEXAS FLAG CODE

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

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

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

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

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

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

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

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

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

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

(i) *No flag or pennant other than the United States flag should be placed above or, if on the same level, to the state flag's right, that is, the observer's left. When the state and United States flags are displayed at the same time, they should be flown on flagpoles of the same height, and the flags should be of approximately equal size. The United States flag should be displayed to the United States flag's right, that is, the observer's left. However, when it is necessary for the state and United States flags to be flown from the same flagpole, the state flag should be displayed underneath the United States flag. When the state flag is displayed on a separate flagpole from the United States flag, the state flag should be hoisted after the United States flag is hoisted and lowered before the United States flag is lowered.*

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

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

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

(m) *When the state flag is displayed with the flags of other states of the United States, nations other than the United States, and international organizations, the state flag should be displayed on the state flag's right, that is, the observer's left, on a separate flagpole or staff. This subsection does not apply to the United States or any agency of the United States, including the armed services, when federal law, custom, or practice dictates otherwise. The state flag should not be displayed above the flags of other states of the United States, nations, and international organizations on the same flagpole, and the state flag should not be displayed from a higher flagpole or staff.*

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

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

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

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

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

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

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

(u) When the state flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the white stripe of the flag to the observer's left on entering. If the building has more than one main entrance, the state flag should be suspended vertically near the center of the corridor or lobby with the white stripe to the north, when entrances are to the east and west, or to the east, when entrances are to the north and south. If there are entrances in more than two directions, the white stripe should be to the east.

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

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

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

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

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

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

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

(cc) 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.

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

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

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

(gg) *During the ceremony of hoisting or lowering the state flag or when the state flag is passing in a parade or in review, all individuals present except those in uniform should face the state flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. 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. The salute to the state flag in a moving column should be rendered at the moment the state flag passes.*

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

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

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

(2) *any conduct covered by this article.*

(b) *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. Title 106, Revised Statutes, is amended by adding Article 6139d to read as follows:

Art. 6139d. *FLAG OF THE GOVERNOR. The governor may adopt a flag for the governor's official use. The governor shall set forth the description of the flag in an executive order published in the 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 conspicuous manner in the licensee's office or place of business.

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

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

(1) reproduced in complete form; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) a certificate issued by the secretary of state under this article;
- (2) a copy, certified by the secretary of state, of a document filed in the office of the secretary of state under this article; and
- (3) a certificate of the secretary of state under the *state seal [Great Seal of Texas]* as to the existence or nonexistence of a fact relating to a corporation that would not appear from a document or certificate under Subdivision (1) or (2) of this section.

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

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

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

Sec. 8. EXECUTION, FILING, AND RECORDING OF ARTICLES OF INCORPORATION. When the incorporators of any corporation shall furnish satisfactory evidence to the Secretary of State of a compliance with the provisions of this Act, said officer shall receive, file, and record the articles of incorporation of such corporation in his office, upon application and payment of all fees therefor, and give a certificate showing the recording of such articles and authority to do business thereunder. The articles shall thereupon be filed in the office of the Secretary of State, who shall record same at length in a book to be kept for that purpose, and retain the original on file in his office. A copy of the articles, or of the record thereof, certified under the *state seal* [~~Great Seal of the State~~], shall be evidence of the creation of the corporation. The existence of the corporation shall date from the filing of the articles in the office of the Secretary of State. The certificate of the Secretary of State shall be evidence of such filing.

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

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

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

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

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

Art. 4012. EVIDENCE OF AUTHORITY. Any veteran of any of the wars mentioned in this title, their wives, widows or members of their families, and any minister of religion, or any fireman, sister of charity or member of any religious society of like character, who desires to receive the benefits of free or reduced transportation as mentioned in this title shall present to the president, manager, officer, or person authorized to issue such transportation satisfactory evidence that he or she is entitled thereto, as herein provided. The officers entitled to the benefits of this law shall, when presenting themselves to the agent of any such railway or interurban railway company for the purchase of a ticket or to pay his fare, exhibit to such agent in case of the Adjutant General and State Rangers a certificate of the Secretary of State under *the state seal*, in case of sheriffs and constables and their deputies a certificate under seal of the county judge of the county where they hold office and in case of officers of a city or town a certificate under seal of the mayor of such city or town stating that such person is entitled to the reduced fare herein provided for. Sheriffs and constables shall designate in writing the two deputies entitled to the reduced rates herein provided for. If the sheriff or constable has designated two deputies who are entitled to such reduced rates, then no deputy of such sheriff or constable shall be entitled to free transportation under the provisions of the pass laws of this State.

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

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

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

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

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

Sec. 5. ORGANIZERS. All labor union organizers operating in the State of Texas shall be required to file with the Secretary of State, before soliciting any members for his organization, a written request by United States mail, or shall apply in person for an organizer's card, stating (a) his name in full; (b) his labor union affiliations, if any; (c) describing his credentials and attaching thereto a copy thereof, which application shall be signed by him. Upon such applications being filed, the Secretary of State shall issue to the applicant a card on which shall appear the following: (1) the applicant's name; (2) his union affiliation; (3) a space for his personal signature; (4) a designation, "labor organizer"; and, (5) the signature of the Secretary of State, dated and attested by *the state* ~~his~~ seal ~~of office~~. Such organizer shall at all times, when soliciting members, carry such card, and shall exhibit the same when requested to do so by a person being so solicited for membership.

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

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

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

Art. 6265. BEGINNING OF EXISTENCE. The existence of such corporation shall date from the filing of the articles of incorporation in the office of the Secretary of State, and the certificate of the Secretary of State under the *state seal* ~~of the State~~, shall be evidence of such filing.

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

Art. 6528. REGISTERING BONDS. When such bonds shall be presented to the Secretary of State with said direction to register, he shall register said bonds by entering a description thereof in a book to be kept for that purpose, which shall show the date, number, amount, when due, the rate of interest on each bond, and also the date when the same is registered. The Secretary of State shall indorse on each bond, under the *state seal* ~~of his office~~ and his official signature, together with the date thereof, as follows: "This bond is registered under the direction of the Railroad Commission of Texas." Provided, however, that at the direction of the Secretary of State *the state* ~~his said~~ seal may be a facsimile seal in lieu of *the* ~~his~~ manually impressed *state seal* and his said signature may be his facsimile signature in lieu of his manual signature. No bond or other evidence of debt, hereafter issued by or under the authority of any person, firm, corporation, court, or railroad company, whereby a lien is created on its franchise or property situated in this State, shall be valid or have any force until the same has been registered as required herein.

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

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

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

Art. 9.05. CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED IN EVIDENCE. A. All certificates issued by the Secretary of State in accordance with the provisions of this Act, and all copies of documents filed in his office in accordance with the provisions of this Act, when certified by him, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated, and shall be subject to recordation. A certificate by the Secretary of State, under the *state* [~~great~~] seal [~~of this State~~], as to the existence or non-existence of the facts relating to corporations which would not appear from a certified copy of any of the foregoing documents or certificates shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the existence or non-existence of the facts therein stated.

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

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

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

Sec. 22. FUGITIVES FROM THIS STATE; DUTY OF GOVERNOR. Whenever the Governor of this State shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this State, from the Executive Authority of any other State, or from the Chief Justice or an Associate Justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the *state seal* [~~of this State~~], to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this State in which the offense was committed, or in which the prosecution for such offense is then pending.

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

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

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

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

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

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

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

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

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

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

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

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

- (1) a certificate issued by the secretary of state under this chapter;
- (2) a copy, certified by the secretary of state, of a document filed in the office of the secretary of state under this chapter; and
- (3) a certificate of the secretary of state under the *state seal* [~~Great Seal of Texas~~] as to the existence or nonexistence of a fact relating to a development corporation that would not appear from a document or certificate under Subdivision (1) or (2).

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

(b) The stamps must contain:

- (1) a replica of the *state seal* [~~Great Seal of Texas~~];
- (2) the registry number, the serial numbers, or both; and
- (3) any other information as determined by the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 43. The following laws are repealed:

- (1) Articles 6139, 6140, 6141, and 6142, Revised Statutes;
- (2) Chapter 87, General Laws, Acts of the 43rd Legislature, Regular Session, 1933 (Article 6142a, Vernon's Texas Civil Statutes);
- (3) Chapter 77, Acts of the 54th Legislature, Regular Session, 1955 (Article 6142b, Vernon's Texas Civil Statutes);
- (4) Section 11.05, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes); and
- (5) Section 17.07, Business & Commerce Code.

SECTION 44. This Act applies only to a license issued under Section 17.08, Business & Commerce Code, on or after the effective date of this Act. 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. The change in the designation of the Great Seal of the State of Texas, the seal of the secretary of state, or any other 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. 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. 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. The repeal of Section 11.05, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), does not affect the validity of a contract entered into under that section before the effective date of this Act.

SECTION 48. (a) 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. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) 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. Each board, commission, department, institution, office, or other agency of the state government, including an institution of higher education as defined by Section 61.003, Education Code, shall 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. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 15, 1993, by a non-record vote; passed by the Senate on May 14, 1993: Yeas 29, Nays 0.

Approved May 27, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.