

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 208

(SENATE AUTHORS: ANDERSON, Petersen, B., Kiffmeyer and Wiger)

DATE	D-PG	OFFICIAL STATUS
01/31/2013	131	Introduction and first reading Referred to State and Local Government
02/04/2013	146	Author added Wiger
02/21/2013	362	Author added Nelson
02/25/2013	372a	Comm report: To pass as amended and re-refer to Rules and Administration
03/20/2014	6483a	Comm report: To pass as amended
	6494	Second reading
04/04/2014	7394	Author stricken Nelson

A bill for an act

1.1 relating to veterans; designating the Honor and Remember Flag as an official
 1.2 symbol of the state's commitment to military service members who have lost
 1.3 their lives in service to our country; encouraging display of the flag on certain
 1.4 days in certain public locations; providing an exception to the gift ban; amending
 1.5 Minnesota Statutes 2012, section 471.895, subdivision 3; Minnesota Statutes
 1.6 2013 Supplement, section 10A.071, subdivision 3; proposing coding for new
 1.7 law in Minnesota Statutes, chapter 197.
 1.8

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2013 Supplement, section 10A.071, subdivision 3,
 1.11 is amended to read:

1.12 Subd. 3. **Exceptions.** (a) The prohibitions in this section do not apply if the gift is:

1.13 (1) a contribution as defined in section 10A.01, subdivision 11;

1.14 (2) services to assist an official in the performance of official duties, including
 1.15 but not limited to providing advice, consultation, information, and communication in
 1.16 connection with legislation, and services to constituents;

1.17 (3) services of insignificant monetary value;

1.18 (4) a plaque with a resale value of \$5 or less;

1.19 (5) a trinket or memento costing \$5 or less;

1.20 (6) informational material with a resale value of \$5 or less; or

1.21 (7) food or a beverage given at a reception, meal, or meeting if:

1.22 (i) the reception, meal, or meeting is held away from the recipient's place of work by
 1.23 an organization before whom the recipient appears to make a speech or answer questions
 1.24 as part of a program; or

2.1 (ii) the recipient is a member or employee of the legislature and an invitation to
 2.2 attend the reception, meal, or meeting was provided to all members of the legislature at
 2.3 least five days prior to the date of the event; or

2.4 (8) one or more Honor and Remember Flags for the purposes of section 197.987.

2.5 (b) The prohibitions in this section do not apply if the gift is given:

2.6 (1) because of the recipient's membership in a group, a majority of whose members
 2.7 are not officials, and an equivalent gift is given to the other members of the group; or

2.8 (2) by a lobbyist or principal who is a member of the family of the recipient, unless
 2.9 the gift is given on behalf of someone who is not a member of that family.

2.10 **Sec. 2. [197.987] HONOR AND REMEMBER FLAG.**

2.11 Subdivision 1. **Legislative findings.** The legislature of the state of Minnesota finds
 2.12 and determines that:

2.13 (1) since the Revolutionary War, more than 1,000,000 members of the United States
 2.14 armed forces have paid the ultimate price by sacrificing their lives in active military
 2.15 service for the United States of America;

2.16 (2) the contribution made by those fallen members of the armed forces is deserving
 2.17 of state and national recognition; and

2.18 (3) the Honor and Remember Flag is an appropriate symbol that acknowledges the
 2.19 selfless sacrifice of those members of the United States armed forces.

2.20 Subd. 2. **Designation.** The Honor and Remember Flag described in subdivision
 2.21 3 is designated as the symbol of our state's concern and commitment to honoring and
 2.22 remembering the lives of all members of the United States armed forces who have lost
 2.23 their lives in the line of duty while serving honorably in active military service in the
 2.24 United States armed forces or of a service-connected cause due to or aggravated by that
 2.25 service, as determined by the United States Department of Defense or the United States
 2.26 Department of Veterans Affairs. This designation is contingent on the flag being available
 2.27 for purchase at a reasonable price.

2.28 Subd. 3. **Description.** The Honor and Remember Flag shall conform substantially
 2.29 to the following description: The Honor and Remember Flag is the same standard
 2.30 proportions as the flag of the United States of America. Its design contains a red field that
 2.31 occupies the top three-quarters and a white field that occupies the bottom quarter of the
 2.32 flag. In the center of the red field is a five-pointed, gold star with the top point located
 2.33 near the top of the red field and the two bottom points extending about one-quarter of the
 2.34 way into the white field. The gold star has a white border surrounded by a blue border.
 2.35 Between the two bottom points of the star is a tri-folded American flag displaying the blue

3.1 field and some stars, which is the configuration of the American flag presented to the
 3.2 family of the deceased at a military memorial service. At the top of the tri-folded flag,
 3.3 extending into the center of the gold star, is a stylized, three-part flame, with one blue part
 3.4 and two red parts. In the white field below the tri-folded flag, the words "Honor and
 3.5 Remember" are centered. The Honor and Remember Flag is protected by U. S. copyright,
 3.6 registration number VA0001670661, owned by Honor and Remember, Inc.

3.7 Subd. 4. **Suggested days for flag display.** (a) The chief administrator of each
 3.8 governmental building or facility within this state, as defined in paragraph (b), is
 3.9 encouraged to display the Honor and Remember Flag on the following days each year:

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

3.11 (2) Flag Day, June 14;

3.12 (3) July 2nd and July 3rd, in remembrance of the 262 soldiers of the 1st Regiment
 3.13 Minnesota Volunteer Infantry who, at the Battle of Gettysburg during the American Civil
 3.14 War, fought so gallantly and successfully to repulse two major Confederate attacks on the
 3.15 main Union line, suffering over 80 percent casualties, thereby turning the battle and the
 3.16 war and helping to preserve the Union itself at that pivotal moment in our nation's history;

3.17 (4) July 4th, Independence Day;

3.18 (5) the third Friday of September, National POW/MIA Recognition Day;

3.19 (6) November 11, Veterans Day;

3.20 (7) July 27, Korean War Armistice Day;

3.21 (8) March 29, Vietnam Veterans Day; and

3.22 (9) any day on which the United States flag is displayed at a governmental building
 3.23 or facility within this state.

3.24 (b) For purposes of this section, "governmental building or facility within this state"
 3.25 means the following locations:

3.26 (1) the Minnesota State Capitol, the Office of the Governor and each other Minnesota
 3.27 constitutional office, the chambers of the Minnesota Senate and the Minnesota House of
 3.28 Representatives, the Minnesota Judicial Center and each Minnesota District Court House,
 3.29 any official state of Minnesota veterans memorial, Minnesota veterans home, Minnesota
 3.30 veterans cemetery, state veterans service centers, and state veterans community-based
 3.31 outreach centers; and

3.32 (2) any appropriate local government building or facility, as determined by the
 3.33 governing body of that local government.

3.34 Subd. 5. **Limitation.** This section may not be construed or interpreted to require
 3.35 any employee to report to work solely for the purpose of providing for the display of the
 3.36 Honor and Remember Flag or any other flag.

4.1 Subd. 6. **Implementation.** If a governmental building or facility within this state
4.2 opts to display the Honor and Remember Flag, the chief administrator of that facility shall
4.3 prescribe procedures necessary for the display.

4.4 Subd. 7. **Flag donation.** Notwithstanding sections 10A.071 and 471.895, any
4.5 named public office or public official may accept a donation of one or more Honor and
4.6 Remember Flags for the purpose of this section.

4.7 Sec. 3. Minnesota Statutes 2012, section 471.895, subdivision 3, is amended to read:

4.8 Subd. 3. **Exceptions.** (a) The prohibitions in this section do not apply if the gift is:

4.9 (1) a contribution as defined in section 211A.01, subdivision 5;

4.10 (2) services to assist an official in the performance of official duties, including
4.11 but not limited to providing advice, consultation, information, and communication in
4.12 connection with legislation, and services to constituents;

4.13 (3) services of insignificant monetary value;

4.14 (4) a plaque or similar memento recognizing individual services in a field of
4.15 specialty or to a charitable cause;

4.16 (5) a trinket or memento costing \$5 or less;

4.17 (6) informational material of unexceptional value; ~~or~~

4.18 (7) food or a beverage given at a reception, meal, or meeting away from the
4.19 recipient's place of work by an organization before whom the recipient appears to make a
4.20 speech or answer questions as part of a program; or

4.21 (8) one or more Honor and Remember Flags for the purposes of section 197.987.

4.22 (b) The prohibitions in this section do not apply if the gift is given:

4.23 (1) because of the recipient's membership in a group, a majority of whose members
4.24 are not local officials, and an equivalent gift is given or offered to the other members
4.25 of the group;

4.26 (2) by an interested person who is a member of the family of the recipient, unless the
4.27 gift is given on behalf of someone who is not a member of that family; or

4.28 (3) by a national or multistate organization of governmental organizations or public
4.29 officials, if a majority of the dues to the organization are paid from public funds, to
4.30 attendees at a conference sponsored by that organization, if the gift is food or a beverage
4.31 given at a reception or meal and an equivalent gift is given or offered to all other attendees.

4.32 Sec. 4. **EFFECTIVE DATE.**

4.33 This act is effective the day following final enactment.