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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 300

- 01/25/2021 Authored by Huot, Youakim, Edelson, Bahner, Klevorn and others
The bill was read for the first time and referred to the Committee on State Government Finance and Elections
- 02/18/2021 Adoption of Report: Re-referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy
- 03/01/2021 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 05/17/2021 Pursuant to Rule 4.20, returned to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

1.1 A bill for an act

1.2 relating to state government; establishing a Capitol flag program for families of

1.3 military service members and first responders who die in the line of duty; proposing

1.4 coding for new law in Minnesota Statutes, chapter 16B.

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

1.6 Section 1. **[16B.276] CAPITOL FLAG PROGRAM.**

1.7 Subdivision 1. **Definitions.** (a) The terms used in this section have the meanings given

1.8 them.

1.9 (b) "Active service" has the meaning given in section 190.05, subdivision 5.

1.10 (c) "Eligible family member" means a surviving spouse, parent or legal guardian, child,

1.11 or sibling of (1) a public safety officer killed in the line of duty, or (2) a person who has

1.12 died while serving honorably in active service in the United States armed forces. For purposes

1.13 of this section, an eligibility relationship may be established by birth or adoption.

1.14 (d) "Killed in the line of duty" has the meaning given in section 299A.41, subdivision

1.15 3.

1.16 (e) "Public safety officer" has the meaning given in section 299A.41, subdivision 4.

1.17 Subd. 2. **Establishment.** A Capitol flag program is established. The purpose of the

1.18 program is to make a Minnesota state flag and an American flag that were flown over the

1.19 Minnesota State Capitol available to the family members of a public safety officer killed

1.20 in the line of duty or a member of the United States armed forces who died while in active

1.21 service. In addition to appropriations provided by law, the commissioner of management

1.22 and budget may receive gifts to support the program as authorized in sections 16A.013 to

2.1 16A.016. The program established by this section is required only to the extent that sufficient
2.2 funds are available through appropriations or gifts to support its operations.

2.3 Subd. 3. **Submission of request; presentation.** (a) A flag request may only be made
2.4 by a legislator or state constitutional officer on behalf of an eligible family member, after
2.5 verification of the family member's eligibility under the procedures adopted under subdivision
2.6 4. The request must be made to the commissioner of administration, and must indicate the
2.7 type of flag requested, a certification that the family member's eligibility has been verified,
2.8 special requests for the date the flag is requested to be flown over the Capitol, and the
2.9 method of presentment. The commissioner may adopt a form to be used for this purpose.
2.10 With at least 30 days' notice, the commissioner must honor a request that a flag be flown
2.11 on a specific commemorative date.

2.12 (b) Upon receipt of a request, the commissioner shall deliver the requested flags to the
2.13 requesting legislator or constitutional officer for coordination of a later presentment
2.14 ceremony. If relevant information is made available, the commissioner shall provide a
2.15 certificate memorializing the details of the occasion and the date the flag was flown with
2.16 each flag presented.

2.17 Subd. 4. **Verification of eligibility.** The house of representatives, the senate, and each
2.18 constitutional officer must adopt procedures for the administration of flag requests received
2.19 from eligible family members, including a procedure for verification of a family member's
2.20 eligibility to receive a flag.

2.21 Subd. 5. **Eligibility; fees.** (a) For deaths that occur after August 1, 2021, the family of
2.22 a public safety officer killed in the line of duty or service member of the United States armed
2.23 forces who died in active service is entitled to receive one United States flag and one
2.24 Minnesota state flag free of charge under this section. If multiple flags of the same type are
2.25 requested to be flown in honor of the same decedent, the commissioner may charge a
2.26 reasonable fee that does not exceed the actual cost of flying each flag and preparing a
2.27 certificate memorializing the occasion.

2.28 (b) For deaths that occurred before August 1, 2021, the family of a public safety officer
2.29 killed in the line of duty or service member of the United States armed forces who died in
2.30 active service may receive one United States flag and one Minnesota state flag for a fee,
2.31 unless there are donated, nonstate funds available to provide a flag without a fee. If payment
2.32 of a fee is required under this paragraph, the commissioner may charge an eligible family
2.33 an amount that does not exceed the actual cost of flying each flag and preparing a certificate
2.34 memorializing the occasion.

3.1 **EFFECTIVE DATE.** This section is effective August 1, 2021.