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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4791

03/11/2024 Authored by Wiener The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to public authority; prohibiting bans on Gadsden flags; amending Minnesota
1.3 Statutes 2022, section 16B.24, by adding a subdivision; Minnesota Statutes 2023
1.4 Supplement, section 124E.03, subdivision 2; proposing coding for new law in
1.5 Minnesota Statutes, chapters 10; 135A; 471.

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

1.7 Section 1. 10.4955 DISPLAY OF GADSDEN SYMBOLS.

1.8 (a) For purposes of this section, "Gadsden symbol" means a representation of a coiled
1.9 snake on a yellow background, the phrase "DON'T TREAD ON ME," or a combination of
1.10 the two.

1.11 (b) A state agency or department, or any branch or unit of state government, must not
1.12 remove or ban the display of Gadsden banners, Gadsden flags, posters bearing Gadsden
1.13 symbols, or any other visual display of Gadsden symbols on property owned by the state.
1.14 This section does not apply to public meeting rooms or public spaces in which a generally
1.15 applicable law, rule, or policy prohibits the display of any banner, flag, poster, or other
1.16 visual display, regardless of its content or form.

1.17 EFFECTIVE DATE. This section is effective the day following final enactment.

1.18 Sec. 2. Minnesota Statutes 2022, section 16B.24, is amended by adding a subdivision to
1.19 read:

1.20 Subd. 14. Display of Gadsden symbols. The commissioner's standards and policies for
1.21 the maintenance and use of space, including standards and policies established under section

2.1 15B.15 related to the appearance and cleanliness of the public and ceremonial areas of the
2.2 State Capitol building, must comply with section 10.4955.

2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.4 Sec. 3. Minnesota Statutes 2023 Supplement, section 124E.03, subdivision 2, is amended
2.5 to read:

2.6 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall
2.7 meet all federal, state, and local health and safety requirements applicable to school districts.

2.8 (b) A school must comply with statewide accountability requirements governing standards
2.9 and assessments in chapter 120B.

2.10 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
2.11 123B.34 to 123B.39.

2.12 (d) A charter school is a district for the purposes of tort liability under chapter 466.

2.13 (e) A charter school must comply with the Pledge of Allegiance requirement under
2.14 section 121A.11, subdivision 3.

2.15 (f) A charter school and charter school board of directors must comply with chapter 181
2.16 governing requirements for employment.

2.17 (g) A charter school must comply with continuing truant notification under section
2.18 260A.03.

2.19 (h) A charter school must develop and implement a teacher evaluation and peer review
2.20 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place
2.21 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).
2.22 The teacher evaluation process in this paragraph does not create any additional employment
2.23 rights for teachers.

2.24 (i) A charter school must adopt a policy, plan, budget, and process, consistent with
2.25 section 120B.11, to review curriculum, instruction, and student achievement and strive for
2.26 the world's best workforce.

2.27 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,
2.28 sections 121A.40 to 121A.56 and 121A.575.

2.29 (k) A charter school must comply with the prohibition on removing or banning Gadsden
2.30 flags under section 471.3435 as though it were a school district.

2.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.1 Sec. 4. [135A.1925] DISPLAY OF GADSDEN FLAGS OR SYMBOLS.

3.2 (a) For purposes of this section, "Gadsden symbol" means a representation of a coiled
3.3 snake on a yellow background, the phrase "DON'T TREAD ON ME," or a combination of
3.4 the two.

3.5 (b) The Board of Trustees of the Minnesota State Colleges and Universities and the
3.6 Board of Regents of the University of Minnesota must not remove or ban, or authorize an
3.7 individual campus to remove or ban, the display of Gadsden banners, Gadsden flags, posters
3.8 bearing Gadsden symbols, or any other visual display of Gadsden symbols on property
3.9 owned by the applicable board. A private postsecondary institution that is an eligible
3.10 institution as defined in section 136A.155 must adopt a policy that meets the requirements
3.11 of this section.

3.12 (c) This section does not apply to public meeting rooms or public spaces in which a
3.13 generally applicable law, rule, or policy prohibits the display of any banner, flag, poster, or
3.14 other visual display, regardless of its content or form.

3.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.16 Sec. 5. [471.3435] DISPLAY OF GADSDEN FLAGS.

3.17 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
3.18 the meanings given.

3.19 (b) "Municipality" means a town, home rule charter or statutory city, county, school
3.20 district, or any political subdivision of the state.

3.21 (c) "Gadsden symbol" means a representation of a coiled snake on a yellow background,
3.22 the phrase "DON'T TREAD ON ME," or a combination of the two.

3.23 Subd. 2. **Ban prohibited.** A municipality must not remove or ban Gadsden banners,
3.24 Gadsden flags, posters bearing Gadsden symbols, or any other visual display of Gadsden
3.25 symbols from municipal property. This section does not apply to public meeting rooms or
3.26 public spaces in which a generally applicable law, rule, or policy prohibits the display of
3.27 any banner, flag, poster, or other visual display, regardless of its content or form.

3.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.