

Amendment No. 1 to SB0918

Briggs
Signature of Sponsor

AMEND Senate Bill No. 918*

House Bill No. 1319

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Honor Our Flags Act."

SECTION 2. Tennessee Code Annotated, Section 4-1-406, is amended by adding the following as a new subsection:

(c)

(1) A flag other than the United States flag and the official state flag must not be flown continuously on a public building that is owned by this state or a political subdivision of this state, or on the campus of an educational institution. Flags representing a club, society, or organization may only be flown on a public building that is owned by this state or a political subdivision of this state, or on the campus of an educational institution, during the period of time for which the entity is meeting or performing an authorized function on the property.

(2) Subdivision (c)(1) does not:

(A) Apply to a flag protected by § 4-1-412;

(B) Prohibit the P.O.W.-M.I.A. flag from being flown pursuant to title 58, chapter 4, part 3;

(C) Prohibit a department or agency of this state from flying the P.O.W.-M.I.A. flag on March 29 of each year in observance of "Vietnam Veterans Day";

(D) Prohibit a political subdivision, a department, agency, or entity of this state, or a postsecondary institution of higher education, from flying one (1) or more official flags; or

(E) Prohibit a private or public organization or entity from flying or displaying its official flag if the private or public organization or entity is entitled to the exclusive use or control of a portion of the public building or campus.

(3) This section must not be construed or applied to impair or infringe upon a person's freedom of speech in violation of the Constitution of Tennessee, Article I, § 19, or the First Amendment of the United States Constitution.

(4) As used in this subsection (c):

(A) "Continuously" means without interruption during the normal operating hours of a public building or an educational institution to which this section applies; provided, that the public entity exercising control over such public building or campus may expand their normal operating hours for purposes of flying one (1) or more flags in accordance with this section; and

(B) "Political subdivision" has the same meaning as defined in subsection (b).

SECTION 3. Tennessee Code Annotated, Section 5-7-109, is amended by deleting subsection (a) and substituting instead the following:

(a) A county mayor of a county whose courthouse is equipped with a flag pole may request and be furnished with a flag of the state of Tennessee, which must be flown continuously by the county authority pursuant to § 4-1-406(c).

SECTION 4. Tennessee Code Annotated, Section 49-6-2005, is amended by deleting the section and substituting instead the following:

(a) A flag other than the United States flag and the official state flag must not be flown continuously on the campus of a public school. Flags representing a club, society, or organization may only be flown on the campus of a public school for the period of time during which the entity is meeting or performing an authorized function on school property.

(b) Subsection (a) does not:

(1) Apply to a flag protected by § 4-1-412;

(2) Prohibit the P.O.W.-M.I.A. flag from being flown pursuant to title 58, chapter 4, part 3;

(3) Prohibit a public school from flying the P.O.W.-M.I.A. flag on March 29 of each year in observance of "Vietnam Veterans Day";

(4) Prohibit a public school from flying its official school flag or the official flag of the political subdivision; or

(5) Prohibit a private or public organization or entity from flying or displaying its official flag if the private or public organization or entity is entitled to the exclusive use or control of a portion of the campus of a public school.

(c) This section must not be construed or applied to impair or infringe upon a person's freedom of speech in violation of the Constitution of Tennessee, Article I, § 19, or the First Amendment of the United States Constitution.

(d) As used in this section, "continuously" means without interruption during the normal operating hours of a public school to which this section applies; provided, that the public entity exercising control over such public school may expand their normal operating hours for purposes of flying one (1) or more flags in accordance with this section.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it.