

1-1 By: Nelson S.B. No. 54
1-2 (In the Senate - Filed November 8, 2004; January 31, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 25, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 25, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 54 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a restrictive covenant, rule, or other prohibition
1-11 regulating a homeowner's display of the United States flag.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 202, Property Code, is amended by adding
1-14 Section 202.008 to read as follows:

1-15 Sec. 202.008. REGULATION OF DISPLAY OF FLAG. (a) A
1-16 property owners' association may not enforce a restrictive covenant
1-17 that prohibits or restricts the display of the United States flag by
1-18 a property owner on the owner's property unless the prohibition or
1-19 restriction is clearly and specifically stated in the covenant.

1-20 (b) A restrictive covenant, rule, or other prohibition may
1-21 not be adopted if the prohibition or restriction prevents a
1-22 property owner from displaying the United States flag in a size not
1-23 larger than three feet by five feet in a respectful manner on the
1-24 owner's property.

1-25 (c) This section does not prohibit the adoption of a
1-26 restrictive covenant or rule:

1-27 (1) allowing the display of the United States flag
1-28 larger than three feet by five feet; or

1-29 (2) restricting the location of the display of the
1-30 United States flag on an owner's property or the size of a flagpole
1-31 that may be used for the display.

1-32 (d) For purposes of this section, the United States flag is
1-33 displayed in a respectful manner if the flag is displayed in the
1-34 manner provided by 4 U.S.C. Sections 6-8.

1-35 SECTION 2. Subsection (a), Section 202.008, Property Code,
1-36 as added by this Act, applies to a restrictive covenant, rule, or
1-37 other prohibition adopted before, on, or after the effective date
1-38 of this Act.

1-39 SECTION 3. This Act takes effect immediately if it receives
1-40 a vote of two-thirds of all the members elected to each house, as
1-41 provided by Section 39, Article III, Texas Constitution. If this
1-42 Act does not receive the vote necessary for immediate effect, this
1-43 Act takes effect September 1, 2005.

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