

**Representative Stephen G. Handy** proposes the following substitute bill:

1 **STATE FLAG REVIEW COMMISSION**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen G. Handy**

5 Senate Sponsor: \_\_\_\_\_

6 **LONG TITLE**

7 **General Description:**

8 This bill creates the State Flag Review Commission and provides the commission's  
9 duties regarding the proposal of a new state flag.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ creates the State Flag Review Commission;
- 14 ▶ provides for the term and appointment of commission members;
- 15 ▶ designates the current state flag as the state historical flag;
- 16 ▶ requires the commission to:
  - 17 • receive public input regarding proposals for a new state flag design; and
  - 18 • make a report and recommendation for a new state flag design to the
- 19 Government Operations Interim Committee;
- 20 ▶ identifies the principles of good flag design for use in the commission's analysis of
- 21 proposals and recommendation of a new state flag design;
- 22 ▶ establishes a repeal date for the commission; and
- 23 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**



26                   None

27 **Other Special Clauses:**

28                   This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31                   **63G-1-501**, as renumbered and amended by Laws of Utah 2008, Chapter 382

32                   **63I-2-263**, as last amended by Laws of Utah 2018, Chapters 38, 95, 382, and 469

33 ENACTS:

34                   **63G-1-801**, Utah Code Annotated 1953

35                   **63G-1-802**, Utah Code Annotated 1953

36                   **63G-1-803**, Utah Code Annotated 1953

37                   **63G-1-804**, Utah Code Annotated 1953

38                   **63G-1-805**, Utah Code Annotated 1953

39                   **63G-1-806**, Utah Code Annotated 1953

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41 *Be it enacted by the Legislature of the state of Utah:*

42                   Section 1. Section **63G-1-501** is amended to read:

43 **63G-1-501. State historic flag.**

44                   The state historic flag of Utah shall be a flag of blue field, fringed, with gold borders,  
45 with the following device worked in natural colors on the center of the blue field:

46                   (1) [The] the center a shield;

47                   (2) above the shield and thereon an American eagle with outstretched wings;

48                   (3) the top of the shield pierced with six arrows arranged crosswise;

49                   (4) upon the shield under the arrows the word "Industry," and below the word

50 "Industry" on the center of the shield, a beehive;

51                   (5) on each side of the beehive, growing sego lilies;

52                   (6) below the beehive and near the bottom of the shield, the word "Utah," and below  
53 the word "Utah" and on the bottom of the shield, the figures "1847";

54                   (7) with the appearance of being back of the shield there shall be two American flags  
55 on flagstaffs placed crosswise with the flag so draped that they will project beyond each side of  
56 the shield, the heads of the flagstaffs appearing in front of the eagle's wings and the bottom of

57 each staff appearing over the face of the draped flag below the shield;  
58 (8) below the shield and flags and upon the blue field, the figures "1896"; and  
59 (9) around the entire design, a narrow circle in gold.

60 Section 2. Section **63G-1-801** is enacted to read:

#### Part 8. State Flag Review Commission

##### **63G-1-801. Definitions.**

As used in this part:

(1) "Commission" means the State Flag Review Commission created in Section **63G-1-802**.

(2) "Principles of good flag design" means the principles described in Section **63G-1-805**.

Section 3. Section **63G-1-802** is enacted to read:

##### **63G-1-802. State Flag Review Commission -- Creation -- Membership -- Meetings**

###### **-- Staff.**

(1) There is created the State Flag Review Commission.

(2) The commission consists of the following 11 members:

(a) one member of the Senate that the president of the Senate appoints;

(b) one member of the House of Representatives that the speaker of the House of Representatives appoints;

(c) the following five individuals that the governor appoints:

(i) one individual representing the office of the governor;

(ii) after receiving recommendations from the Utah Association of Counties, one individual serving in the legislative body of a county of the third, fourth, fifth, or sixth class;

(iii) after receiving recommendations from the Utah League of Cities and Towns, one individual serving in the legislative body of a city of the first class;

(iv) one individual who is a member of a national or international vexillological organization or association; and

(v) one individual representing Utah's ethnic minority populations;

(d) one individual representing the Division of State History that the division's director appoints;

(e) one individual representing the Board of Tourism Development that the board's

88 chair appoints;

89       (f) one individual representing Utah's Native American community that the director of  
90 the Division of Indian Affairs appoints after receiving recommendations from federally  
91 recognized tribes in Utah; and

92       (g) one individual representing the State Board of Education that the chair of the State  
93 Board of Education appoints.

94       (3) Each individual with authority to appoint an individual under Subsection (2) shall  
95 make the appointment on or before June 1, 2019.

96       (4) The legislators appointed to the commission under Subsections (2)(a) and (b) shall  
97 serve as co-chairs.

98       (5) A majority of the commission constitutes a quorum for the transaction of  
99 commission business.

100       (6) The commission shall ensure that each meeting of the commission complies with  
101 Title 52, Chapter 4, Open and Public Meetings Act.

102       (7) The Office of Legislative Research and General Counsel shall provide staff support  
103 to the commission.

104       Section 4. Section **63G-1-803** is enacted to read:

105       **63G-1-803. Terms of commission members -- Vacancies -- Salaries and expenses.**

106       (1) The term of each commission member ends on November 30, 2019.

107       (2) (a) A commission member may be removed from the commission by the individual  
108 who appointed the member.

109       (b) If a commission member described in Subsection **63G-1-802**(2)(a) or (b) leaves the  
110 member's legislative office, the individual may not continue to serve as a commission member.

111       (c) Within 14 days after the day on which a vacancy occurs under Subsection (2)(a) or  
112 (b) or the day on which another event occurs that causes a vacancy, the individual who  
113 originally appointed a member to the subsequently vacant position shall fill the vacancy in  
114 accordance with Subsection **63G-1-802**(2).

115       (3) (a) A commission member may not receive compensation or benefits for the  
116 member's service on the commission but may receive per diem and reimbursement for travel  
117 expenses incurred as a commission member as allowed in Sections **63A-3-106** and **63A-3-107**  
118 and rules that the Division of Finance makes in accordance with Sections **63A-3-106** and

119 63A-3-107.

120 (b) Compensation and expenses of a commission member who is a legislator are  
121 governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and  
122 Expenses.

123 Section 5. Section **63G-1-804** is enacted to read:

124 **63G-1-804. Commission duties.**

125 (1) The commission shall:

126 (a) convene the commission's initial meeting on or before June 14, 2019;  
127 (b) issue a request, on or before July 1, 2019, for the public to submit proposed state  
128 flag designs;

129 (c) (i) assess proposed flag designs the commission receives under Subsection (1)(b)  
130 using the established principles of good flag design; and

131 (ii) on or before September 15, 2019, select a group of up to 40 candidate flag designs  
132 that, based on the assessment described in Subsection (1)(c)(i), are the proposed flag designs  
133 that best:

134 (A) represent the state; and

135 (B) adhere to the established principles of good flag design;

136 (d) hold public hearings and use other methods to gather public input regarding the  
137 candidate flag designs described in Subsection (1)(c)(ii); and

138 (e) no later than the November interim meeting in 2019, make a report and  
139 recommendation to the Government Operations Interim Committee regarding:

140 (i) the candidate flag designs described in Subsection (1)(c)(ii), including the  
141 commission's assessment;

142 (ii) public input the commission received under Subsection (1)(d); and

143 (iii) a recommendation for a new state flag design.

144 (2) The commission may allow for amendments to submissions during the process  
145 described in Subsection (1) to allow designers to improve proposed flag designs based on the  
146 commission's assessment described in Subsection (1)(c)(i).

147 (3) In considering proposed flag designs, the commission may consider the proposed  
148 flag design described in Section 63G-1-806.

149 Section 6. Section **63G-1-805** is enacted to read:

150        **63G-1-805. Established principles of good flag design.**

151        In assessing flag designs, the commission  $\hat{H} \rightarrow$  **[shall] may**  $\leftarrow \hat{H}$  consider the extent to which  
151a a flag

152 design adheres to the following established principles of good flag design:

153        (1) whether the flag is sufficiently simple that a child could draw the flag from  
154 memory;

155        (2) whether the flag uses meaningful symbolism, including the use of:

156        (a) a main graphic element, giving preference to a single primary symbol; or

157        (b) meaningful colors, shapes, or layout of the parts of the flag;

158        (3) whether the flag uses two to three basic colors that:

159        (a) contrast well; and

160        (b) are varying shades of standard colors like red, blue, green, black, yellow, or white;

161        (4) whether the flag avoids writing or the use of a seal, including lettering or a seal that  
162 is difficult to:

163        (a) see or read from a distance; or

164        (b) reduce to a smaller scale for use on a pin or graphic; and

165        (5) whether the flag is sufficiently distinctive to avoid duplicating other flags while  
166 allowing for the use of similarities to represent connections.

167        Section 7. Section **63G-1-806** is enacted to read:

168        **63G-1-806. Proposed flag design for commission consideration.**

169        (1) As used in this section:

170        (a) "CMYK" means the color model of four-color printing using cyan, magenta,  
171 yellow, and black ink.

172        (b) "Legacy gold" means a color with:

173        (i) an RGB value of 251, 178, 23;

174        (ii) a CMYK value of 1, 33, 100, 0; and

175        (iii) a web color value of #fbb217.

176        (c) "Liberty blue" means a color with:

177        (i) an RGB value of 11, 36, 68;

178        (ii) a CMYK value of 100, 86, 44, 47; and

179        (iii) a web color value of #0b2444.

180        (d) "Mountain white" means a color with:

181        (i) an RGB value of 255, 255, 255;  
182        (ii) a CMYK value of 0, 0, 0, 0; and  
183        (iii) a web color value of #ffffff.

184        (e) "RGB" means the color model of three-color video and computer displays using  
185        red, green, and blue light.

186        (f) "Utah red" means a color with:  
187        (i) an RGB value of 175, 31, 36;  
188        (ii) a CMYK value of 22, 100, 99, 13; and  
189        (iii) a web color value of #af1f24.

190        (h) "Web color" means the color model of web page displays using a hexadecimal  
191        color code.

192        (2) The commission may consider as a proposed design a rectangle that has a width to  
193        length ratio of three to five and contains the following:

194        (a) one diagonal cross pattern that creates four triangles meeting at the center of the  
195        flag:  
196        (i) with the two triangles in the horizontal plane being:  
197        (A) equal in width and length, spreading the full width and length of the flag; and  
198        (B) colored liberty blue;  
199        (ii) with the upper and lower triangle shaped quadrants each having a length equal to  
200        the full length of the flag and:  
201        (A) the upper triangle shaped quadrant being colored mountain white; and  
202        (B) the lower triangle shaped quadrant being colored Utah red; and  
203        (iii) that represents:  
204        (A) Utah's moniker as "the Crossroads of the West"; and  
205        (B) the history of Promontory Point;  
206        (b) one circle that:  
207        (i) is shaded legacy gold and filled with a background that is shaded mountain white;  
208        (ii) contains a slightly thinner gold circle that is:  
209        (A) shaded legacy gold; and  
210        (B) filled with a background that is shaded mountain white; and  
211        (iii) is placed over the meeting point of the four triangle shaped quadrants described in

212 Subsection (2)(a) in the center of the flag; and  
213       (c) one beehive that is shaded legacy gold that:  
214        (i) contains six hive sections with a small semicircle removed from the center of the  
215 base of the lowest section;  
216       (ii) is placed within the circles described in Subsection (2)(b); and  
217       (iii) represents:  
218        (A) Utah's identity as "the Beehive State"; and  
219        (B) industry.

220       Section 8. Section **63I-2-263** is amended to read:

221 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

222       (1) On July 1, 2020:  
223        (a) Subsection **63A-3-403**(5)(a)(i) is repealed; and  
224        (b) in Subsection **63A-3-403**(5)(a)(ii), the language that states "appointed on or after  
225 May 8, 2018," is repealed.

226       (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is  
227 repealed July 1, 2020.

228       (3) The following sections regarding the State Flag Review Commission are repealed  
229 on July 1, 2020:

230        (a) Section **63G-1-801**;  
231        (b) Section **63G-1-802**;  
232        (c) Section **63G-1-803**;  
233        (d) Section **63G-1-804**;  
234        (e) Section **63G-1-805**; and  
235        (f) Section **63G-1-806**.

236       [~~(3)~~] **(4)** Section **63H-7a-303** is repealed on July 1, 2022.

237       [~~(4)~~] **(5)** On July 1, 2019:  
238        (a) in Subsection **63J-1-206**(2)(c)(i), the language that states " Subsection(2)(c)(ii) and"  
239 is repealed; and  
240        (b) Subsection **63J-1-206**(2)(c)(ii) is repealed.  
241       [~~(5)~~] **(6)** Section **63J-4-708** is repealed January 1, 2023.  
242       [~~(6)~~] **(7)** Subsection **63N-3-109**(2)(f)(i)(B) is repealed July 1, 2020.

243 [~~(7)~~] (8) Section 63N-3-110 is repealed July 1, 2020.

244 Section 9. **Effective date.**

245 If approved by two-thirds of all the members elected to each house, this bill takes effect  
246 upon approval by the governor, or the day following the constitutional time limit of Utah  
247 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
248 the date of veto override.