

Representative Stephen G. Handy proposes the following substitute bill:

STATE FLAG REVIEW COMMISSION

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:



None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

63G-1-801, Utah Code Annotated 1953

63G-1-802, Utah Code Annotated 1953

63G-1-803, Utah Code Annotated 1953

63G-1-804, Utah Code Annotated 1953

63G-1-805, Utah Code Annotated 1953

63G-1-806, Utah Code Annotated 1953

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

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

63G-1-501. State historic flag.

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

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

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

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

(4) upon the shield under the arrows the word "Industry," and below the word "Industry" on the center of the shield, a beehive;

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

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

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

each staff appearing over the face of the draped flag below the shield;

(8) below the shield and flags and upon the blue field, the figures "1896"; and

(9) around the entire design, a narrow circle in gold.

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

63A-3-107.

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

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

63G-1-804. Commission duties.

(1) The commission shall:

(a) convene the commission's initial meeting on or before June 14, 2019;

(b) issue a request, on or before July 1, 2019, for the public to submit proposed state flag designs;

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

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

(A) represent the state; and

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

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

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

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

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

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

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

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

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

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

In assessing flag designs, the commission ~~H→~~ [shall] may ~~←H~~ consider the extent to which
a flag

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

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

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

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

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

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

(a) contrast well; and

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

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

(a) see or read from a distance; or

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

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

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

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

(1) As used in this section:

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

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

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

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

(iii) a web color value of #fbb217.

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

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

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

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

(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

Subsection (2)(a) in the center of the flag; and

(c) one beehive that is shaded legacy gold that:

(i) contains six hive sections with a small semicircle removed from the center of the base of the lowest section;

(ii) is placed within the circles described in Subsection (2)(b); and

(iii) represents:

(A) Utah's identity as "the Beehive State"; and

(B) industry.

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

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

(1) On July 1, 2020:

(a) Subsection **63A-3-403**(5)(a)(i) is repealed; and

(b) in Subsection **63A-3-403**(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.

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

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

(a) Section **63G-1-801**;

(b) Section **63G-1-802**;

(c) Section **63G-1-803**;

(d) Section **63G-1-804**;

(e) Section **63G-1-805**; and

(f) Section **63G-1-806**.

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

~~[(4)]~~ (5) On July 1, 2019:

(a) in Subsection **63J-1-206**(2)(c)(i), the language that states " Subsection(2)(c)(ii) and" is repealed; and

(b) Subsection **63J-1-206**(2)(c)(ii) is repealed.

~~[(5)]~~ (6) Section **63J-4-708** is repealed January 1, 2023.

~~[(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.