

**STATE FLAG REVIEW COMMISSION**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen G. Handy**

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

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**LONG TITLE**

**General Description:**

This bill creates the State Flag Review Commission and provides the commission's duties.

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **63I-2-263**, as last amended by Laws of Utah 2018, Chapters 38, 95, 382, and 469

32 ENACTS:

33 **63G-1-801**, Utah Code Annotated 1953

34 **63G-1-802**, Utah Code Annotated 1953

35 **63G-1-803**, Utah Code Annotated 1953

36 **63G-1-804**, Utah Code Annotated 1953

37 **63G-1-805**, Utah Code Annotated 1953



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

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

41 **Part 8. State Flag Review Commission**

42 **63G-1-801. Definitions.**

43 As used in this part:

44 (1) "Commission" means the State Flag Review Commission created in Section  
45 63G-1-802.

46 (2) "Current state flag design" means the state flag design described in Section  
47 63G-1-501.

48 (3) "Principles of good flag design" means the principles described in Section  
49 63G-1-805.

50 Section 2. Section **63G-1-802** is enacted to read:

51 **63G-1-802. State Flag Review Commission -- Creation -- Membership -- Meetings**

52 **-- Staff.**

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

54 (2) The commission consists of the following 22 members:

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

56 (b) two members of the House of Representatives that the speaker of the House of  
57 Representatives appoints;

58 (c) the following 13 individuals that the governor appoints:

- 59           (i) one individual representing the office of the governor;  
60           (ii) after receiving recommendations from the Utah Association of Counties:  
61           (A) one individual serving in the legislative body of a county of the first or second  
62 class; and  
63           (B) one individual serving in the legislative body of a county of the third, fourth, fifth,  
64 or sixth class;  
65           (iii) after receiving recommendations from the Utah League of Cities and Towns:  
66           (A) one individual serving in the legislative body of a city of the first class;  
67           (B) one individual serving in the legislative body of a city of the second or third class;  
68 and  
69           (C) one individual serving in the legislative body of a city of the fourth or fifth class;  
70           (iv) one individual who is a member of a national or international vexillological  
71 organization or association;  
72           (v) two individuals each representing the graphic arts or advertising industries;  
73           (vi) two individuals representing Utah's ethnic minority populations;  
74           (vii) one individual representing the academic community; and  
75           (viii) one individual representing the International Society Daughters of Utah Pioneers;  
76           (d) one individual representing the State Capitol Preservation Board that the board's  
77 executive director appoints;  
78           (e) one individual representing the Division of State History that the division's director  
79 appoints;  
80           (f) one individual representing the Board of Tourism Development that the board's  
81 chair appoints;  
82           (g) one individual representing Utah's Native American community that the director of  
83 the Division of Indian Affairs appoints after receiving recommendations from federally  
84 recognized tribes in Utah; and  
85           (h) the following two individuals that the chair of the State Board of Education  
86 appoints:  
87           (i) one individual representing the State Board of Education; and  
88           (ii) one student who is enrolled in a high school within the state.  
89           (3) Each individual with authority to appoint an individual under Subsection (2) shall

90 make the appointment on or before June 1, 2019.

91 (4) The commission shall select a chair and a vice chair from among the members  
92 described in Subsection (2) during the commission's initial meeting.

93 (5) A majority of the commission constitutes a quorum for the transaction of  
94 commission business.

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

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

99 Section 3. Section **63G-1-803** is enacted to read:

100 **63G-1-803. Terms of commission members -- Vacancies -- Salaries and expenses.**

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

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

104 (b) If a commission member described in Subsection [63G-1-802\(2\)\(a\)](#) or (b) leaves the  
105 member's legislative office, the individual may not continue to serve as a commission member.

106 (c) Within 14 days after the day on which a vacancy occurs under Subsection (2)(a) or  
107 (b) or the day on which another event occurs that causes a vacancy, the individual who  
108 originally appointed a member to the subsequently vacant position shall fill the vacancy in  
109 accordance with Subsection [63G-1-802\(2\)](#).

110 (3) (a) A commission member may not receive compensation or benefits for the  
111 member's service on the commission but may receive per diem and reimbursement for travel  
112 expenses incurred as a commission member as allowed in Sections [63A-3-106](#) and [63A-3-107](#)  
113 and rules that the Division of Finance makes in accordance with Sections [63A-3-106](#) and  
114 [63A-3-107](#).

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

118 Section 4. Section **63G-1-804** is enacted to read:

119 **63G-1-804. Commission duties.**

120 The commission shall:

- 121 (1) convene the commission's initial meeting on or before June 14, 2019;
- 122 (2) assess the current state flag design using the established principles of good flag
- 123 design;
- 124 (3) hold public hearings or otherwise gather public input regarding the current state
- 125 flag design; and
- 126 (4) no later than the November interim meeting in 2019, make a report and
- 127 recommendation to the Government Operations Interim Committee regarding:
- 128 (a) the commission's assessment described in Subsection (2);
- 129 (b) public input the commission received under Subsection (3); and
- 130 (c) a recommendation that:
- 131 (i) if the assessment described in Subsection (2) concludes that the current state flag
- 132 design fails to adhere to the established principles of good flag design, the Legislature should
- 133 create a process to select a new state flag design; or
- 134 (ii) if the assessment described in Subsection (2) concludes that the current state flag
- 135 design adheres to the established principles of good flag design, the state should retain the
- 136 current state flag design.

137 Section 5. Section **63G-1-805** is enacted to read:

138 **63G-1-805. Established principles of good flag design.**

139 In assessing the current state flag design, the commission shall consider the extent to

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

- 141 (1) whether the flag is sufficiently simple that a child could draw the flag from
- 142 memory;
- 143 (2) whether the flag uses meaningful symbolism, including the use of:
- 144 (a) a main graphic element, giving preference to a single primary symbol; or
- 145 (b) meaningful colors, shapes, or layout of the parts of the flag;
- 146 (3) whether the flag uses two to three basic colors that:
- 147 (a) contrast well; and
- 148 (b) are varying shades of standard colors like red, blue, green, black, yellow, or white;
- 149 (4) whether the flag avoids writing or the use of a seal, including lettering or a seal that
- 150 is difficult to:
- 151 (a) see or read from a distance; or

152 (b) reduce to a smaller scale for use on a pin or graphic; and  
153 (5) whether the flag is sufficiently distinctive to avoid duplicating other flags while  
154 allowing for the use of similarities to represent connections.

155 Section 6. Section **63I-2-263** is amended to read:

156 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

157 (1) On July 1, 2020:

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

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

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

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

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

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

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

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

169 (e) Section **63G-1-805**.

170 [~~3~~] (4) Section **63H-7a-303** is repealed on July 1, 2022.

171 [~~4~~] (5) On July 1, 2019:

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

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

175 [~~5~~] (6) Section **63J-4-708** is repealed January 1, 2023.

176 [~~6~~] (7) Subsection **63N-3-109(2)(f)(i)(B)** is repealed July 1, 2020.

177 [~~7~~] (8) Section **63N-3-110** is repealed July 1, 2020.

178 Section 7. **Effective date.**

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