

SENATE BILL No. 1160

November 9, 2016, Introduced by Senator BIEDA and referred to the Committee on Government Operations.

A bill to amend 1911 PA 209, entitled

"An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use; to prohibit the use of the same for advertising purposes; to prescribe standards for the manufacture, sale, and display of certain flags of the United States and the state flag; and to prescribe the powers and duties of certain state agencies and officials,"

by amending the title and section 3 (MCL 2.23), the title as amended by 2012 PA 167, and by adding section 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use; to prohibit the use of the same for advertising purposes; to prescribe standards for the manufacture, sale, and display of certain flags of the United States and the state flag; ~~and~~ to prescribe the powers and duties of certain state agencies and officials; **TO CREATE A FLAG**

1 COMMISSION AND PRESCRIBE ITS POWERS AND DUTIES; AND TO PROVIDE FOR
2 A STATE FLAG DESIGN CONTEST.

3 Sec. 3. (1) ~~The~~ THROUGH DECEMBER 31, 2018, THE state flag
4 ~~shall be~~ DESIGN IS blue charged with the arms of the state.

5 (2) BEGINNING JANUARY 1, 2019, THE STATE FLAG DESIGN WILL BE
6 THE DESIGN WINNER.

7 (3) AS USED IN THIS SECTION AND SECTION 3A:

8 (A) "DESIGN SUBMISSION" MEANS A PROPOSAL OF A NEW DESIGN THAT
9 IS SUBMITTED FOR THE STATE FLAG DESIGN CONTEST AND THAT MEETS BOTH
10 OF THE FOLLOWING CRITERIA:

11 (i) THE DESIGN IS AN ORIGINAL WORK OF THE INDIVIDUAL
12 SUBMITTING IT.

13 (ii) THE REVERSE SIDE IS A MIRROR IMAGE OF THE OVERSE SIDE.

14 (B) "DESIGN WINNER" MEANS THE DESIGN SUBMISSION THAT IS
15 SELECTED BY THE FLAG COMMISSION AS THE NEW STATE FLAG DESIGN.

16 (C) "STATE FLAG DESIGN CONTEST" MEANS THE PROCESS PERFORMED BY
17 THE FLAG COMMISSION PURSUANT TO SECTION 3A OF COLLECTING DESIGN
18 SUBMISSIONS AND SELECTING THE DESIGN WINNER.

19 SEC. 3A. (1) THE FLAG COMMISSION IS CREATED WITHIN THE
20 DEPARTMENT OF STATE.

21 (2) THE FLAG COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

22 (A) THREE INDIVIDUALS WHO ARE EACH A PROFESSIONAL ARTIST OR
23 STATE HISTORIAN SELECTED AND APPOINTED BY THE MICHIGAN HISTORICAL
24 COMMISSION.

25 (B) ONE INDIVIDUAL FROM THE ART OR DESIGN PROGRAM AT THE
26 UNIVERSITY OF MICHIGAN SELECTED AND APPOINTED BY THE PRESIDENT OF
27 THAT UNIVERSITY.

1 (C) ONE INDIVIDUAL FROM THE ART OR DESIGN PROGRAM AT MICHIGAN
2 STATE UNIVERSITY SELECTED AND APPOINTED BY THE PRESIDENT OF THAT
3 UNIVERSITY.

4 (D) ONE INDIVIDUAL FROM THE ART OR DESIGN PROGRAM AT WAYNE
5 STATE UNIVERSITY SELECTED AND APPOINTED BY THE PRESIDENT OF THAT
6 UNIVERSITY.

7 (E) ONE INDIVIDUAL FROM THE ART OR DESIGN PROGRAM AT THE
8 COLLEGE FOR CREATIVE STUDIES SELECTED AND APPOINTED BY THE
9 PRESIDENT OF THAT COLLEGE.

10 (F) ONE INDIVIDUAL FROM THE ART OR DESIGN PROGRAM AT NORTHERN
11 MICHIGAN UNIVERSITY SELECTED AND APPOINTED BY THE PRESIDENT OF THAT
12 UNIVERSITY.

13 (G) ONE INDIVIDUAL FROM THE ART OR DESIGN PROGRAM AT LAKE
14 SUPERIOR STATE UNIVERSITY SELECTED AND APPOINTED BY THE PRESIDENT
15 OF THAT UNIVERSITY.

16 (H) ONE INDIVIDUAL APPOINTED BY THE SENATE MAJORITY LEADER.

17 (I) ONE INDIVIDUAL APPOINTED BY THE SENATE MINORITY LEADER.

18 (J) ONE INDIVIDUAL APPOINTED BY THE SPEAKER OF THE HOUSE OF
19 REPRESENTATIVES.

20 (K) ONE INDIVIDUAL APPOINTED BY THE MINORITY LEADER OF THE
21 HOUSE OF REPRESENTATIVES.

22 (L) TWO INDIVIDUALS APPOINTED BY THE GOVERNOR.

23 (M) ONE INDIVIDUAL APPOINTED BY THE SECRETARY OF STATE.

24 (N) ONE INDIVIDUAL APPOINTED BY THE ATTORNEY GENERAL.

25 (3) THE MEMBERS FIRST APPOINTED TO THE FLAG COMMISSION SHALL
26 BE APPOINTED WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS
27 SECTION.

1 (4) MEMBERS OF THE FLAG COMMISSION SHALL SERVE FOR THE ENTIRE
2 TERM OF APPOINTMENT, WHICH ENDS DECEMBER 31, 2018.

3 (5) IF A VACANCY OCCURS ON THE FLAG COMMISSION, THE NEW
4 APPOINTMENT FOR THE REMAINING TERM WILL BE COMPLETED IN THE SAME
5 MANNER AS THE ORIGINAL APPOINTMENT.

6 (6) THE FIRST MEETING OF THE FLAG COMMISSION SHALL BE CALLED
7 BY THE FIRST INDIVIDUAL APPOINTED BY THE GOVERNOR UNDER SUBSECTION
8 (2) (I). AT THE FIRST MEETING, THE FLAG COMMISSION SHALL ELECT FROM
9 AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS
10 NECESSARY OR APPROPRIATE, AND WILL DETERMINE THE SCHEDULE OF
11 MEETINGS NECESSARY TO EFFECT THE PURPOSE OF THE FLAG COMMISSION.

12 (7) A MAJORITY OF THE MEMBERS OF THE FLAG COMMISSION
13 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF
14 THE FLAG COMMISSION. A MAJORITY VOTE OF THE MEMBERS PRESENT AND
15 SERVING IS REQUIRED FOR OFFICIAL ACTION OF THE FLAG COMMISSION.

16 (8) THE BUSINESS THAT THE FLAG COMMISSION MAY PERFORM SHALL BE
17 CONDUCTED AT A PUBLIC MEETING OF THE FLAG COMMISSION HELD IN
18 COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
19 15.275.

20 (9) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
21 RETAINED BY THE FLAG COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
22 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
23 MCL 15.231 TO 15.246.

24 (10) MEMBERS OF THE FLAG COMMISSION SHALL SERVE WITHOUT
25 COMPENSATION. HOWEVER, MEMBERS OF THE FLAG COMMISSION MAY BE
26 REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
27 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE FLAG

1 COMMISSION.

2 (11) THE FLAG COMMISSION SHALL DO ALL OF THE FOLLOWING IN
3 EXECUTING THE STATE FLAG DESIGN CONTEST AND SELECTING THE DESIGN
4 WINNER:

5 (A) ACCEPT DESIGN SUBMISSIONS FROM JANUARY 26, 2018 UNTIL JULY
6 26, 2018.

7 (B) CREATE AND PUBLISH RULES FOR THE STATE FLAG DESIGN
8 CONTEST.

9 (C) ENSURE THAT ALL COPYRIGHT INTERESTS IN DESIGN SUBMISSIONS
10 HAVE BEEN RELINQUISHED AT THE TIME OF SUBMISSION.

11 (D) ADVERTISE AND PROMOTE THE STATE FLAG DESIGN CONTEST.

12 (E) ANNOUNCE THE DESIGN WINNER ON OR BEFORE SEPTEMBER 26,
13 2018.