

By: Representative Clark

To: Rules

HOUSE BILL NO. 39

1 AN ACT TO ESTABLISH A COMMISSION TO REDESIGN THE MISSISSIPPI
 2 STATE FLAG; TO PRESCRIBE THE MEMBERSHIP OF THE COMMISSION AND TO
 3 PROVIDE FOR ITS ORGANIZATION AND MEETINGS; TO PROVIDE THAT THE
 4 COMMISSION SHALL DEVELOP TWO OPTIONS FOR A NEW DESIGN OF THE
 5 MISSISSIPPI STATE FLAG; TO PROVIDE THAT THE LEGISLATURE SHALL
 6 DETERMINE WHICH OF THE TWO OPTIONS SHALL BE THE NEW MISSISSIPPI
 7 STATE FLAG DURING THE 2021 SESSION; TO PROVIDE THAT THE TWO
 8 OPTIONS FOR A NEW MISSISSIPPI STATE FLAG ADOPTED BY THE COMMISSION
 9 SHALL NOT INCLUDE THE DESIGN OF THE CONFEDERATE BATTLE FLAG; AND
 10 FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** (1) There is established the Commission to
 13 Redesign the Mississippi State Flag (commission) with the sole
 14 purpose of developing, designing and reporting to the Governor and
 15 the Legislature two (2) options for a new design for the official
 16 Mississippi State Flag on or before January 1, 2021. The
 17 Legislature shall determine which of the two (2) options shall be
 18 the new Mississippi State Flag during the 2021 Regular Session.
 19 The two (2) options for a new Mississippi State Flag that are
 20 adopted by the commission shall not include the design of the
 21 Confederate Battle Flag. The commission is charged with a
 22 sensitive and responsible task that it shall conduct in an



23 objective manner. The two (2) options for a new Mississippi State
24 Flag shall honor the past while embracing the promise of the
25 future.

26 (2) The Commission to Redesign the Mississippi State Flag
27 shall be appointed as follows:

28 (a) Three (3) members of the Mississippi House of
29 Representatives appointed by the Speaker of the House;

30 (b) Three (3) members of the Mississippi Senate
31 appointed by the Lieutenant Governor;

32 (c) Eleven (11) members appointed by the Governor, to
33 include:

34 (i) Two (2) high school students;

35 (ii) A Mississippi public schoolteacher and a
36 Mississippi public university instructor;

37 (iii) A representative from the Mississippi
38 Economic Council;

39 (iv) A representative from the Mississippi Arts
40 Commission;

41 (v) Two (2) representatives from the Board of
42 Trustees of the Mississippi Department of Archives and History;

43 (vi) A representative from business and industry;

44 and

45 (vii) Two (2) members from the state at large.

46 All appointments shall be made not later than sixty (60) days
47 after the effective date of this act. The chairman of the



48 commission shall be appointed by the Governor from the members of
49 the commission. The commission shall meet as soon as practicable
50 after appointments have been made upon the call of the chairman,
51 and shall organize for business. A quorum of the appointed
52 membership of the commission shall be required for the adoption of
53 any reports and recommendations. The Mississippi Department of
54 Archives and History shall provide meeting space and clerical
55 support for the operation of the commission.

56 (3) The Commission to Redesign the Mississippi State Flag
57 shall have the following functions and duties:

58 (a) To hold regular, public meetings when and where it
59 sees fit;

60 (b) To receive written, public comment, in a manner it
61 sees fit, and to hold public hearings, under the terms and
62 conditions it determines and sees fit;

63 (c) To collect, examine and consider all information
64 which it determines may be helpful in making a recommendation on
65 use and adoption of Mississippi's State Flag;

66 (d) To consult with historical experts, social science
67 experts, representatives of organizations and associations, and
68 others, as it sees fit, whose knowledge or expertise may assist
69 the commission in making its recommendation;

70 (e) To make any inquiries and conduct any business that
71 may assist the commission in submitting a design for a state flag;
72 however, the two (2) options for a new Mississippi State Flag



73 adopted by the commission shall not include the design of the
74 Confederate Battle Flag;

75 (f) Keep minutes of its meetings, and make those
76 minutes available to the public; and

77 (g) To make a written recommendation for two (2)
78 options for a new Mississippi State Flag, and an oral presentation
79 if requested, to the Governor, the Lieutenant Governor and the
80 Speaker of the House on or before January 1, 2021.

81 (4) Members of the commission shall receive no compensation
82 for service on the commission, but may receive reimbursement for
83 mileage and actual expenses as provided in Section 25-3-41, to the
84 extent funds are available for that purpose.

85 (5) The state flag currently in use shall remain in use
86 until such time as the Mississippi Legislature considers the
87 report of the commission and the Legislature has had ample time to
88 act.

89 **SECTION 2.** This act shall take effect and be in force from
90 and after its passage.

