

SB0048S04 compared with SB0048S03

~~deleted text~~ shows text that was in SB0048S03 but was deleted in SB0048S04.

inserted text shows text that was not in SB0048S03 but was inserted into SB0048S04.

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Representative Stephen G. Handy proposes the following substitute bill:

STATE FLAG AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Stephen G. Handy

LONG TITLE

General Description:

This bill creates the State Flag Task Force and establishes a commemorative state flag.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the State Flag Task Force;
- ▶ provides for the appointment of task force members;
- ▶ describes the duties of the task force, which include:
 - creating a process that includes public input for the submission and assessment of designs for a new state flag; and
 - providing a written report and recommendations for the design of a new or revised state flag to the Economic Development and Workforce Services

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Interim Committee;

- ▶ establishes a commemorative state flag to commemorate the 125th anniversary of Utah's statehood in 2021;
- ▶ describes the design and meaning of the commemorative state flag;
- ▶ allows a governmental entity to display the commemorative state flag on public grounds during 2021;
- ▶ establishes repeal dates for the task force and for the commemorative state flag;
- ▶ modifies the description of the current state flag; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

36-29-101, as enacted by Laws of Utah 2015, Chapter 219

~~{63I-2-236}~~**63G-1-501**, as ~~{last}~~renumbered and amended by Laws of Utah
~~{2019}~~2008, Chapter ~~{389}~~382

63I-2-263, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12

ENACTS:

36-29-201, Utah Code Annotated 1953

36-29-202, Utah Code Annotated 1953

36-29-203, Utah Code Annotated 1953

~~{~~ **36-29-204**, Utah Code Annotated 1953

~~}~~ **63G-1-502**, Utah Code Annotated 1953

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

Section 1. Section **36-29-101** is amended to read:

CHAPTER 29. TASK FORCES CREATED BY THE LEGISLATURE

Part 1. Legislative Task Forces

36-29-101. Title.

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This chapter is known as [~~"Legislative Task Forces."~~] "Task Forces Created by the Legislature."

Section 2. Section **36-29-201** is enacted to read:

Part 2. State Flag Task Force

36-29-201. Definitions.

As used in this part ~~§~~:

~~(1) §. "Principles of good flag design" means the principles described in Section 36-29-204.~~

~~(2) "Task task force" means the State Flag Task Force created in Section 36-29-202.~~

Section 3. Section **36-29-202** is enacted to read:

36-29-202. State Flag Task Force -- Creation -- Membership -- Meetings --

Vacancies -- Per diem and expenses -- Staff.

(1) There is created the State Flag Task Force.

(2) The task force consists of the following ~~seven~~ nine members:

(a) the ~~following four individuals~~ governor, or the governor's designee;

(b) the lieutenant governor, or the lieutenant governor's designee;

(c) three members of the Senate, appointed by the president of the Senate;

(d) three members of the House of Representatives, appointed by the ~~governor:~~

~~(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; and~~

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

~~(b) one individual representing the Division of State History, appointed by the ~~governor~~ speaker of the House of Representatives; and~~

(e) the executive director of the ~~division;~~

~~(c) one individual representing the Board of Tourism Development, appointed by the chair of the board; and~~

~~(d) one individual representing the State Board of Education, appointed by the chair of~~

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~~the State Board of Education~~ Department of Heritage and Arts.

(3) Each individual with authority to appoint a member of the task force under Subsection (2) shall make the appointment on or before June 1, 2021.

(4) The governor shall appoint a chair of the task force.

(5) A majority of the task force constitutes a quorum for the transaction of task force business.

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

(7) The term of each member of the task force ends on November 30, 2022.

(8) (a) A member of the task force may be removed from the task force by the individual who appointed the member.

(b) Within 14 days after the day on which a vacancy occurs on the task force for any reason, the individual who originally appointed the member shall fill the vacancy in accordance with Subsection (2).

(9) ~~f A~~(a) Subject to Subsection (9)(b), a task force member may not receive compensation or benefits for the member's service on the task force but may receive per diem and reimbursement for travel expenses incurred as a task force member in accordance with:

~~(f a) i~~ Sections 63A-3-106 and 63A-3-107; and

~~(f b) ii~~ rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

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

(10) The Department of Heritage and Arts shall provide staff support for the task force and assist the task force in conducting task force meetings.

Section 4. Section **36-29-203** is enacted to read:

36-29-203. Task force duties.

The task force shall:

(1) convene the task force's initial meeting on or before June 11, 2021;

(2) ~~establish and adopt guiding principles for the task force regarding flag design and the goals of recommending a revised or new state flag for the state;~~

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(3) create a process for the submission and task force assessment of proposed designs for a revised or new state flag of Utah, including a process that includes the design community;

(~~3~~4) on or before September 15, 2021, select a group of up to 10 proposed flag designs that:

(a) represent the state; and

(b) adhere to the guiding principles ~~of good flag design~~ described in Subsection (2);

(~~4~~5) create a process that includes the gathering of public input to review the proposed flag designs described in Subsections (2) and (3), including the public input of children and young people in the state, and to select a proposed revised or new state flag of Utah; and

(~~5~~6) on or before November 1, 2021, provide a written report and recommendations to the Economic Development and Workforce Services Interim Committee and the Legislature regarding:

(a) the proposed flag designs described in Subsection (3);

(b) the process and results of the review of the proposed flag designs described in Subsection (~~4~~5);

(c) the task force's recommendation for the design of a revised or new state flag of Utah; and

(d) proposed legislation retaining the current flag, revising the current flag, or designating a new state flag of Utah, which may include a recommendation to designate the current state flag of Utah described in Section 63G-1-501 as the ~~official state ceremonial flag of Utah or other designation to recognize that flag's historical significance.~~

~~(6) governor's flag.~~

(7) The task force may:

(a) create working groups to carry out the task force's duties under this section, including working with one or more graphic designers or other professionals to review and improve designs for consideration by the task force; and

(b) accept contributions from ~~other~~ private or public sources for the purpose of awarding a prize to one or more creators of flag designs selected and recommended by the task force.

Section 5. Section ~~36-29-204 is enacted to read:~~

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~~36-29-204. Principles of good flag design:~~

~~In assessing proposed designs for a new state flag of Utah, the task force may consider the extent to which a flag design adheres to the following principles of good flag design:~~

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

~~(2) whether the flag design 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 design;~~

~~(3) whether the flag design 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 design 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 design is sufficiently distinctive to avoid duplicating other flags while allowing for the use of similarities to represent connections:~~

~~63G-1-501 is amended to read:~~

63G-1-501. State flag.

The state 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:

~~[The] (1) in 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] "Utah";~~

~~(7) below the word "Utah" and on the bottom of the shield, the figures "1847";~~

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(8) 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;

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

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

Section 6. Section **63G-1-502** is enacted to read:

63G-1-502. Commemorative state flag -- Display.

(1) As used in this section:

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

(b) "Commemorative state flag" means the flag described in Subsection (3).

(c) "Governmental entity" means the same as that term is defined in Section 63G-2-103.

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

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

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

(iii) a web color value of #fbb217; and

(iv) a Pantone value of 2010 C.

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

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

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

(iii) a web color value of #0b2444; and

(iv) a Pantone value of 282 C.

(f) "Mountain white" means a color with:

(i) an RGB value of 255, 255, 255;

(ii) a CMYK value of 0, 0, 0, 0;

(iii) a web color value of #ffffff; and

(iv) a Pantone value of Safe.

(g) "Pantone" means the color model of printing using ink mixes to create a color match.

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(h) "Public grounds" means the same as that term is defined in Section 11-61-102.

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

(j) "State flag of Utah" means the flag described in Section 63G-1-501.

(k) "Utah red" means a color with:

(i) an RGB value of 175, 31, 36;

(ii) a CMYK value of 22, 100, 99, 13;

(iii) a web color value of #af1f24; and

(iv) a Pantone value of 2350 C.

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

(2) The state may commemorate the 125th anniversary of Utah's statehood in 2021 with the display of a commemorative state flag.

(3) The commemorative state flag shall be a rectangle that has a width to length ratio of three to five and contain the following:

(a) one diagonal cross pattern that creates four triangles meeting at the center of the flag:

(i) with the two triangles in the horizontal plane that are:

(A) equal in width and length, spreading the full width and length of the flag; and

(B) colored mountain white;

(ii) with the upper and lower triangle shaped quadrants:

(A) each having a length equal to the full length of the flag; and

(B) the upper triangle shaped quadrant being colored liberty blue and the lower triangle shaped quadrant being colored Utah red;

(iii) with the cross pattern to represent:

(A) Utah's moniker as "the Crossroads of the West"; and

(B) the history of Promontory Point;

(iv) with the two triangles in the horizontal plane colored mountain white to represent the Rocky Mountains of Utah;

(v) with the upper triangle shaped quadrant colored liberty blue to represent:

(A) the Great Salt Lake; and

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(B) the tradition of Utah; and

(vi) with the lower triangle shaped quadrant colored Utah red to represent the red rocks and national parks of Southern Utah;

(b) one circle that:

(i) is shaded legacy gold and filled with a background that is shaded liberty blue;

(ii) contains a slightly thinner gold circle that is:

(A) shaded legacy gold; and

(B) filled with a background that is shaded liberty blue;

(iii) is placed over the meeting point of the four triangle shaped quadrants described in Subsection (3)(a) in the center of the flag; and

(iv) represents, in combination with the four triangle shaped quadrants, the following Native American Tribes of Utah:

(A) the Ute;

(B) the Paiute;

(C) the Navajo;

(D) the Shoshone; and

(E) the Goshute;

(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 (3)(b); and

(iii) represents:

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

(B) industry; and

(d) one regular, five-pointed star that:

(i) is shaded mountain white;

(ii) is located below the center of the beehive described in Subsection (3)(c);

(iii) is spaced so that the upper point of the star is located near the removed semicircle described in Subsection (3)(c)(ii) but not on an even plane with the bottom of the beehive;

(iv) is oriented so that one point faces upward; and

(v) represents:

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(A) Utah's statehood in the United States of America, dating to Utah's joining the union in 1896; and

(B) Utah's star on the flag of the United States of America~~{;}~~; and

(e) the dates corresponding to the 125th anniversary of Utah's statehood, 1896-2021.

(4) (a) In any place where the state flag of Utah is displayed out of doors on public grounds, the governmental entity responsible for the display of the state flag of Utah may display the commemorative state flag in the manner described in Subsection (4)(b) during the 2021 calendar year.

(b) When displaying the commemorative state flag under Subsection (4)(a), the governmental entity displaying the flag shall place the commemorative state flag directly under the state flag of Utah.

Section 7. Section **63I-2-236** is amended to read:

63I-2-236. Repeal dates -- Title 36.

~~[Section 36-29-105 is repealed on December 31, 2020.]~~

The following sections regarding the State Flag Task Force are repealed on January 1, 2023:

(1) Section 36-29-201;

(2) Section 36-29-202; and

(3) Section 36-29-203~~{; and}~~;

~~{~~ (4) Section 36-29-204.

~~}~~ 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-1-203(5)(a)(i) is repealed; and]~~

~~[(b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.]~~

~~[(2)]~~ (1) Section 63A-3-111 is repealed June 30, 2021.

~~[(3)]~~ (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2021.

~~[(4)]~~ (3) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology Commission is repealed July 1, 2023.

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(4) Section 63G-1-502 is repealed July 1, 2022.

(5) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2022:

(a) Section 63G-1-801;

(b) Section 63G-1-802;

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

(d) Section 63G-1-804.

(6) Subsections 63G-6a-802(1)(d) and 63G-6a-802(3)(b)(iii), regarding a procurement relating to a vice presidential debate, are repealed January 1, 2021.

(7) In relation to the State Fair Park Committee, on January 1, 2021:

(a) Section 63H-6-104.5 is repealed; and

(b) Subsections 63H-6-104(8) and (9) are repealed.

(8) Section 63H-7a-303 is repealed July 1, 2024.

(9) Subsection 63J-1-206(3)(c), relating to coronavirus, is repealed July 1, 2021.

(10) In relation to the Employability to Careers Program Board, on July 1, 2022:

(a) Subsection 63J-1-602.1(57) is repealed;

(b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;

and

(c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

(11) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot Program Act, is repealed January 1, 2022.

(12) Sections 63M-7-213 and 63M-7-213.5 are repealed on January 1, 2023.

(13) Subsection 63N-12-508(3) is repealed December 31, 2021.

(14) Title 63N, Chapter 13, Part 3, Facilitating Public-Private Partnerships Act, is repealed January 1, 2024.

(15) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is repealed December 31, 2021.