

STATE FLAG AMENDMENTS

2021 SECOND SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Stephen G. Handy

LONG TITLE

General Description:

This bill modifies provisions related to the state flag.

Highlighted Provisions:

This bill:

- ▶ extends the term of each member of the State Flag Task Force;
- ▶ extends the date on which the State Flag Task Force is required to select proposed state flag designs and report to the Legislature regarding the State Flag Task Force's recommendations for a new state flag;
- ▶ designates the current state flag as the governor's flag on a certain date;
- ▶ extends the sunset date of the State Flag Task Force; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

36-29-202, as enacted by Laws of Utah 2021, Chapter 205

36-29-203, as enacted by Laws of Utah 2021, Chapter 205

57-24-101, as last amended by Laws of Utah 2008, Chapter 382



28 **63G-1-501**, as last amended by Laws of Utah 2021, Chapter 205
29 **63I-2-236**, as last amended by Laws of Utah 2021, Chapters 205 and 250



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

32 Section 1. Section **36-29-202** is amended to read:

33 **36-29-202. State Flag Task Force -- Creation -- Membership -- Meetings --**
34 **Vacancies -- Per diem and expenses -- Staff.**

- 35 (1) There is created the State Flag Task Force.
- 36 (2) The task force consists of the following nine members:
 - 37 (a) the governor, or the governor's designee;
 - 38 (b) the lieutenant governor, or the lieutenant governor's designee;
 - 39 (c) three members of the Senate, appointed by the president of the Senate;
 - 40 (d) three members of the House of Representatives, appointed by the speaker of the
 - 41 House of Representatives; and
 - 42 (e) the executive director of the Department of Cultural and Community Engagement.
- 43 (3) Each individual with authority to appoint a member of the task force under
- 44 Subsection (2) shall make the appointment on or before June 1, 2021.
- 45 (4) The governor shall appoint a chair of the task force.
- 46 (5) A majority of the task force constitutes a quorum for the transaction of task force
- 47 business.
- 48 (6) The task force shall ensure that each meeting of the task force complies with Title
- 49 52, Chapter 4, Open and Public Meetings Act.
- 50 (7) The term of each member of the task force ends on November 30, [~~2022~~] 2023.
- 51 (8) (a) A member of the task force may be removed from the task force by the
- 52 individual who appointed the member.
- 53 (b) Within 14 days after the day on which a vacancy occurs on the task force for any
- 54 reason, the individual who originally appointed the member shall fill the vacancy in accordance
- 55 with Subsection (2).
- 56 (9) (a) Subject to Subsection (9)(b), a task force member may not receive
- 57 compensation or benefits for the member's service on the task force but may receive per diem
- 58 and reimbursement for travel expenses incurred as a task force member in accordance with:

59 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

60 (ii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
61 [63A-3-107](#).

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

65 (10) The Department of Cultural and Community Engagement shall provide staff
66 support for the task force and assist the task force in conducting task force meetings.

67 Section 2. Section [36-29-203](#) is amended to read:

68 **[36-29-203](#). Task force duties.**

69 (1) The task force shall:

70 ~~[(1)]~~ (a) convene the task force's initial meeting on or before June 11, 2021;

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

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

76 ~~[(4)]~~ (d) on or before September 15, ~~[2021]~~ 2022, select a group of up to 10 proposed
77 flag designs that:

78 ~~[(a)]~~ (i) represent the state; and

79 ~~[(b)]~~ (ii) adhere to the guiding principles described in Subsection ~~[(2)]~~ (1)(b);

80 ~~[(5)]~~ (e) create a process that includes the gathering of public input to review the
81 proposed flag designs described in ~~[Subsections (2) and (3)]~~ Subsection (1)(d), including the
82 public input of children and young people in the state, and to select a proposed revised or new
83 state flag of Utah; and

84 ~~[(6)]~~ (f) on or before November 1, ~~[2021]~~ 2022, provide a written report and
85 recommendations to the Economic Development and Workforce Services Interim Committee
86 and the Legislature regarding:

87 ~~[(a)]~~ (i) the proposed flag designs described in Subsection ~~[(3)]~~ (1)(d);

88 ~~[(b)]~~ (ii) the process and results of the review of the proposed flag designs described in
89 Subsection ~~[(5)]~~ (1)(e);

90 ~~[(e)]~~ (iii) the task force's recommendation for the design of a revised or new state flag
91 of Utah; and

92 ~~[(d)]~~ (iv) proposed legislation [~~retaining the current flag, revising the current flag, or~~
93 designating a new state flag of Utah~~], which may include a recommendation to designate the~~
94 ~~current state flag of Utah described in Section 63G-1-501 as the governor's flag].~~

95 ~~[(7)]~~ (2) The task force may:

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

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

101 Section 3. Section 57-24-101 is amended to read:

102 **57-24-101. Definitions.**

103 As used in this chapter:

104 (1) (a) "Flag" means a depiction or emblem:

105 (i) (A) of the flag of the United States as provided in United States Code Title 4,
106 Chapter 1, The Flag; or

107 (B) of the ~~[state flag of Utah]~~ governor's flag as provided in Section 63G-1-501;

108 (ii) made from fabric or cloth; and

109 (iii) with measurements that do not exceed three feet by five feet.

110 (b) "Flag" does not include a depiction or emblem made from:

111 (i) lights;

112 (ii) paint;

113 (iii) roofing;

114 (iv) siding;

115 (v) paving materials;

116 (vi) flora;

117 (vii) balloons; or

118 (viii) any other building, landscaping, or decorative component.

119 (2) "Resident" means:

120 (a) a renter as defined in Section 57-22-2;

- 121 (b) a resident as defined in Section 57-16-3; or
122 (c) a unit owner as defined in Section 57-8-3.
123 (3) "Residential property management authority" means:
124 (a) an owner as defined in Section 57-22-2;
125 (b) a mobile home park as defined in Section 57-16-3;
126 (c) a mobile home park residents' association established in accordance with Section
127 57-16-16;
128 (d) an association of unit owners as defined in Section 57-8-3; or
129 (e) a management committee as defined in Section 57-8-3.

130 Section 4. Section 63G-1-501 is amended to read:

131 **63G-1-501. Governor's flag.**

132 The [~~state flag of Utah~~] governor's flag shall be a flag of blue field, with the following
133 device worked in natural colors on the center of the blue field:

- 134 (1) in the center a shield;
135 (2) above the shield and thereon an American eagle with outstretched wings;
136 (3) the top of the shield pierced with six arrows arranged crosswise;
137 (4) upon the shield under the arrows the word "Industry," and below the word
138 "Industry" on the center of the shield, a beehive;
139 (5) on each side of the beehive, growing sego lilies;
140 (6) below the beehive and near the bottom of the shield, the word "Utah";
141 (7) below the word "Utah" and on the bottom of the shield, the figures "1847";
142 (8) with the appearance of being back of the shield there shall be two American flags
143 on flagstuffs placed crosswise with the flag so draped that they will project beyond each side of
144 the shield, the heads of the flagstuffs appearing in front of the eagle's wings and the bottom of
145 each staff appearing over the face of the draped flag below the shield;
146 (9) below the shield and flags and upon the blue field, the figures "1896"; and
147 (10) around the entire design, a narrow circle in gold.

148 Section 5. Section 63I-2-236 is amended to read:

149 **63I-2-236. Repeal dates -- Title 36.**

- 150 (1) Section 36-29-107.5 is repealed on November 30, 2023.
151 (2) The following sections regarding the State Flag Task Force are repealed on January

152 1, [2023] 2024:

153 (a) Section 36-29-201;

154 (b) Section 36-29-202; and

155 (c) Section 36-29-203.

156 Section 6. **Effective date.**

157 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
158 elected to each house, this bill takes effect upon approval by the governor, or the day following
159 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
160 signature, or in the case of a veto, the date of veto override.

161 (2) The actions affecting the following sections take effect on October 1, 2022:

162 (a) Section 57-24-101; and

163 (b) Section 63G-1-501.