

1                   **DISPLAY OF PRISONER OF WAR AND MISSING IN**  
2                                   **ACTION FLAG**

3                                   2013 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: John R. Westwood**

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

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill requires that a government entity display the POW/MIA flag on certain days  
11                   and in a certain manner.

12                   **Highlighted Provisions:**

13                   This bill:

- 14                   ▶ defines terms;
- 15                   ▶ requires a government entity that displays the flag of the United States or the state  
16                   flag of Utah to display the POW/MIA flag on Armed Forces Day, Memorial Day,  
17                   Flag Day, Independence Day, Veteran's Day, and National POW/MIA Recognition  
18                   Day; and

19                   ▶ describes the manner in which a government entity is required to display the  
20                   POW/MIA flag.

21                   **Money Appropriated in this Bill:**

22                   None

23                   **Other Special Clauses:**

24                   None

25                   **Utah Code Sections Affected:**

26                   ENACTS:

27                   **63G-1-701**, Utah Code Annotated 1953



28 **63G-1-702**, Utah Code Annotated 1953

29 **63G-1-703**, Utah Code Annotated 1953



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

32 Section 1. Section **63G-1-701** is enacted to read:

33 **Part 7. Display of Flags by a Government Entity**

34 **63G-1-701. Title.**

35 This part is known as "Display of Flags by a Government Entity."

36 Section 2. Section **63G-1-702** is enacted to read:

37 **63G-1-702. Definitions.**

38 As used in this part:

39 (1) (a) "Flag" means a depiction or emblem made from fabric or cloth.

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

41 (i) lights;

42 (ii) paint;

43 (iii) roofing;

44 (iv) siding;

45 (v) paving materials;

46 (vi) flora;

47 (vii) balloons; or

48 (viii) any other building, landscaping, or decorative component other than fabric or  
49 cloth.

50 (2) "Flag of the United States" is the flag described in United States Code Title 4,

51 Chapter 1, The Flag.

52 (3) "Government entity" means:

53 (a) a branch of state government;

54 (b) an agency, department, division, office, bureau, or other entity of state government;

55 (c) a political subdivision;

56 (d) an agency, department, division, office, bureau, or other entity of a political  
57 subdivision;

58 (e) a public school; or

59 (f) a state institution of higher education.

60 (4) "Political subdivision" means a county, city, town, school district, community  
61 development and renewal agency, special improvement or taxing district, local district, special  
62 service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,  
63 Interlocal Cooperation Act, or any other governmental subdivision or public corporation.

64 (5) "POW/MIA flag" means the POW/MIA flag of the National League of Families of  
65 American Prisoners and Missing in Southeast Asia.

66 (6) "State flag of Utah" is the flag described in Section 63G-1-501.

67 Section 3. Section **63G-1-703** is enacted to read:

68 **63G-1-703. Display of POW/MIA flag.**

69 (1) In any place where a government entity displays the flag of the United States or the  
70 state flag of Utah, the government entity shall display the POW/MIA flag, in the manner  
71 described in Subsection (2), from sunrise to sunset on the following days:

72 (a) Armed Forces Day, the third Saturday in May;

73 (b) Memorial Day, the last Monday in May;

74 (c) Flag Day, June 14;

75 (d) Independence Day, July 4;

76 (e) Veteran's Day, November 11; and

77 (f) National POW/MIA Recognition Day, the third Friday in September.

78 (2) When displaying the POW/MIA flag, a government entity shall fly or hang the  
79 POW/MIA flag:

80 (a) directly under or adjacent to the flag of the United States; and

81 (b) adjacent to, or above, the state flag of Utah.

82 (3) A government entity may not fly or hang the POW/MIA flag:

83 (a) above the flag of the United States; or

84 (b) below the state flag of Utah.

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**Legislative Review Note**  
**as of 1-2-13 3:11 PM**

**Office of Legislative Research and General Counsel**