



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 13, 2025

Mr. Speaker,

The Education Committee recommends **H.B. 77**, FLAG DISPLAY AMENDMENTS, be replaced and reports a favorable recommendation on **1st Sub. H.B. 77**, FLAG DISPLAY AMENDMENTS, by Representative T. Lee, with the following amendments:

1. *Line 11 through 13:*

- 11 →requires the state auditor to ensure compliance, including by imposing fines;
- 12 → ~~{establishes a cause of action for an alleged violation within the public education system;}~~
- 13 →requires the attorney general to defend and the state to hold harmless an individual acting

2. *Line 79 through 92:*

- 79 under this section to determine whether the imposition of the fine is clearly erroneous.
- 80 ~~{(5) (a) Subject to Subsection (5)(b), a parent or legal guardian of a student who is~~
- 81 ~~enrolled in and attends, or who is eligible to enroll in and attend, a school within the~~
- 82 ~~public education system or the Utah Schools for the Deaf and the Blind, may bring an~~
- 83 ~~action in the appropriate state court for an alleged violation of this section;}~~
- 84 ~~{(b) (i) Before a parent may file an action for an alleged violation described in~~
- 85 ~~Subsection (5)(a), the parent shall provide written notice of the alleged violation~~
- 86 ~~to the appropriate LEA governing board;}~~
- 87 ~~{(ii) An LEA governing board receiving a notice described in Subsection (5)(b)(i)~~
- 88 ~~shall resolve or disprove the alleged violation within 10 days after the day on~~
- 89 ~~which the parent provides the written notice;}~~
- 90 ~~{(c) (5) Nothing in this section {limits the authority of} , for a local education agency, as~~
- 91 ~~defined in~~
~~Section 53E-1-102 { } ;~~
- 92 ~~(a) limits the authority of the agency related to student expression under applicable federal or~~
~~state law { } ; or~~
~~(b) removes the agency's obligation to protect all students from discrimination.~~
~~(6) Regarding a school district or a school within the public education system, the attorney~~

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1. *Line 44 through 47:*

- 44 (e) "LEA governing board" means the same as that term is defined in Section 53E-1-102.
45 (2) Except as provided in Subsection (3), a government entity, or **an** employee of a government
46 entity **within a classroom of a school within the public education system**, may not:
47 (a) display a flag in or on the grounds of government property; or

2. *Line 89 through 93:*

- 89 which the parent provides the written notice.
90 ~~{(e)}~~ (6) Nothing in this section limits the authority of a local education agency, as defined in
91 Section 53E-1-102, related to student expression under applicable federal or state law.
92 ~~{(6)}~~ (7) Regarding a school district or a school within the public education system, the attorney
93 general shall defend and the state shall indemnify and hold harmless a person acting

3. *Line 98 through 100:*

- 98 State Risk Management Fund issues.
99 ~~{(7)}~~ (8) If any provision of this section or the application of any provision of this section to
any
100 person or circumstance is held invalid by a final decision of a court, the remainder of

Respectfully,

Candice B. Pierucci
Chair

Voting: 11-2-3

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