

**2003 DRAFTING REQUEST**

**Bill**

Received: **03/25/2003**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Jensen (608) 264-6970**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Real Estate - condominiums**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Jensen@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Display of the American flag by condominium owners

---

**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mlief 03/25/2003	kgilfoy 03/26/2003	rschluet 03/27/2003	_____	mbarman 03/27/2003		
/2	mlief 03/28/2003	kgilfoy 03/31/2003	rschluet 03/31/2003	_____	amentkow 03/31/2003		

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/3	mlief 04/01/2003	kgilfoy 04/01/2003	pgreensl 04/02/2003	_____	sbasford 04/02/2003		
/4	mlief 04/04/2003	kgilfoy 04/04/2003	pgreensl 04/04/2003	_____	amentkow 04/04/2003	mbarman 04/29/2003	

FE Sent For:

*None  
needed*

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*For Assembly  
per Steve  
@ Office*

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*14-4/4 King*

*4/4 PS*

*4/4 self*

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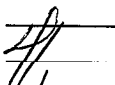
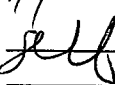
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		13-4/1 Kmg	4/1/03				

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12-3/31  
Kmg

3-31-3 <END>

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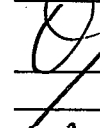
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1?	mlief	1-3/26 kmj		 3-29-03			

FE Sent For:

<END>

## Lief, Madelon

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**From:** Marchant, Robert  
**Sent:** Tuesday, March 25, 2003 11:53 AM  
**To:** Lief, Madelon  
**Subject:** Condominium draft

Lonnie--

Scott Jensen called today. He thought that perhaps I would be the person to draft his request. I think you are the drafter, though. The request seems pretty straightforward: make it so that condo associations can not prohibit the display of the American flag by association members/residents. Representative Jensen pointed me to California statute 434.5 of the gov't code. Also, he said AZ, FL, and SC have similar laws.

If you have any questions, call Rep. Jensen or, if it's something you think I can help clear up, feel free to call me.

Robert J. Marchant  
Legislative Attorney  
State of Wisconsin Legislative Reference Bureau  
608-261-4454

33-1261. American **flag** display

Notwithstanding any provision in the condominium documents, an association shall not prohibit the outdoor display of the American **flag** by a unit owner on that unit owner's property if the American **flag** is displayed in a manner consistent with the federal **flag** code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10). The association shall adopt reasonable rules and regulations regarding the placement and manner of display of the American **flag**. The association rules may regulate the location and size of flagpoles but shall not prohibit the installation of a flagpole.



2003 BILL

P.N.

1

*Gen. Cat.*  
AN ACT ~~relating to:~~ <sup>the</sup> ~~outdoor~~ display of the United States flag by condominium owners.

2

*Analysis by the Legislative Reference Bureau*

This bill prohibits the adoption of a condominium bylaw or rule or the inclusion of a provision in a condominium declaration (one of the instruments that must be recorded to establish a condominium) or deed that prevents a condominium owner from displaying the United States flag on his or her property if the display is consistent with federal law governing the proper display of the flag.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3

SECTION 1. 703.105 of the statutes is created to read:

4

703.105 Display of the United States flag. (1) No bylaw or rule may be

5

adopted or provision included in a declaration or deed that prohibits a unit owner

6

from displaying the United States flag in a manner consistent with 4 USC 5-10.

**BILL**

**SECTION 1**

1 (2) Notwithstanding sub. (1), bylaws or rules may be adopted that regulate the  
2 size and location of flagpoles.

3 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2407/1dn

MJL:l.i:...



Representative Jensen:

At your request, this bill was modeled after Arizona law (s. 33-1261).

Madelon J. Lief  
Senior Legislative Attorney  
Phone: (608) 267-7380

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2407/1dn  
MJL:kmg:rs

March 27, 2003

Representative Jensen:

At your request, this bill was modeled after Arizona law (s. 33-1261).

Madelon J. Lief  
Senior Legislative Attorney  
Phone: (608) 267-7380



3/28

TC w/Steve Rep Sense

Redraft 2407 to delete ref to USC

+ to add "respectfully" before  
displaying.



2003 BILL

D-N

1 AN ACT *to create* 703.105 of the statutes; **relating to:** the display of the United  
2 States flag by condominium owners.

*respectfully*

*Analysis by the Legislative Reference Bureau*

This bill prohibits the adoption of a condominium bylaw or rule or the inclusion of a provision in a condominium declaration (one of the instruments that must be recorded to establish a condominium) or deed that prevents a condominium owner from displaying the United States flag on his or her property if ~~the display is consistent with federal law governing the proper display of the flag.~~

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 703.105 of the statutes is created to read:

4 **703.105 Display of the United States flag.** (1) No bylaw or rule may be  
5 adopted or provision included in a declaration or deed that prohibits a unit owner  
6 from displaying the United States flag ~~in a manner consistent with 4 USC 5200~~  
*on his or her unit*



LRB-2407/2

D-N

:Kmg:

This bill incorporates the changes <sup>that</sup> I  
discussed with Steve. I also added the  
phrase "on his or her unit" to make clear  
that the display may occur on the  
unit owner's property <sup>and</sup> not the ~~common~~  
common area; OK?

MJL

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2407/2dn  
MJL:kmg:rs

March 31, 2003

This bill incorporates the changes that I discussed with Steve. I also added the phrase "on his or her unit" to make clear that the display may occur on the unit owner's property and not the common area; OK?

Madelon J. Lief  
Senior Legislative Attorney  
Phone: (608) 267-7380

4/11 TC from Steve / Rep Jensen

Redraft - 2407

They want phrase "on his or her unit" removed.

I explained that I had included it to conform bill w/ other state laws I had looked at and because w/o it, a condo ass'n would not be able to regulate the display

in common areas or on other person's property. Steve said he understood, but that I was to remove the phrase anyway.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-2407/2-3  
MJL:kmg:rs

2003 BILL

RM 100

1 AN ACT to create 703.105 of the statutes; relating to: the display of the United  
2 States flag by condominium owners.

*Analysis by the Legislative Reference Bureau*

X This bill prohibits the adoption of a condominium bylaw or rule or the inclusion  
of a provision in a condominium declaration (one of the instruments that must be  
recorded to establish a condominium) or deed that prevents a condominium owner  
from respectfully displaying the United States flag ~~on his or her property~~.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 703.105 of the statutes is created to read:

4 703.105 Display of the United States flag. (1) No bylaw or rule may be  
5 adopted or provision included in a declaration or deed that prohibits a unit owner  
6 from respectfully displaying the United States <sup>STAT</sup> ~~flag on his or her property~~.

7 (2) Notwithstanding sub. (1), bylaws or rules may be adopted that regulate the  
8 size and location of flagpoles.

9 (END)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-2407/4  
MJL:kmg:pg

2003 BILL

RMR

1 AN ACT to create 703.105 of the statutes; relating to: the display of the United  
2 States flag by condominium owners.

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*Analysis by the Legislative Reference Bureau*

This bill prohibits the adoption of a condominium bylaw or rule or the inclusion of a provision in a condominium declaration (one of the instruments that must be recorded to establish a condominium) or deed that prevents a condominium owner from respectfully displaying the United States flag.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 703.105 of the statutes is created to read:

4 **703.105 Display of the United States flag.** (1) No bylaw or rule may be  
5 adopted or provision included in a declaration or deed that prohibits a unit owner  
6 from respectfully displaying the United States flag.

7 (2) Notwithstanding sub. (1), bylaws or rules may be adopted that regulate the  
8 size and location of flags and flagpoles.

9

(END)



Apr. 4 TC from Steve Kennebec / Rep Jensen

Line 8 - before the word "flaspole"

insert "flags and." - to

allow condo assn to regulate loc of flags