



2025 SENATE BILL 40

February 12, 2025 - Introduced by Senators FEYEN and TOMCZYK, cosponsored by Representatives O'CONNOR, MURPHY, BROOKS, GOEBEN, ARMSTRONG, BEHNKE, DITTRICH, GREEN, GUNDRUM, B. JACOBSON, KNODL, KREIBICH, PENTERMAN and WICHGERS. Referred to Committee on Licensing, Regulatory Reform, State and Federal Affairs.

1 **AN ACT to create** 1.14 (1m) of the statutes; **relating to:** flags flown, hung, or
2 displayed from a flagpole or the exterior of state and local buildings and
3 eliminating a related administrative rule.

Analysis by the Legislative Reference Bureau

This bill prohibits, with certain exceptions, any flag other than the U.S. flag and the flag of the state of Wisconsin from being flown, hung, or displayed from a flagpole or the exterior of any state office building or facility, including the state capitol, or from any local government building or school building. The bill also repeals an administrative rule that includes a similar requirement but authorizes the governor to direct otherwise.

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

4 **SECTION 1.** 1.14 (1m) of the statutes is created to read:
5 1.14 (1m) (a) The U.S. flag, the flag of the state of Wisconsin, and any flag of
6 a state agency shall be the only flags flown, hung, or displayed from a flagpole or

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1 the exterior of any state office building or facility, including the state capitol, from a
2 flagpole or the exterior of any building or facility leased by a state agency, from a
3 flagpole or the exterior of any building or facility owned or leased by a local
4 governmental unit, or from a flagpole or the exterior of any building or facility
5 owned, leased, or used by a school board.

6 (b) Paragraph (a) does not apply to any of the following, if the flag is flown,
7 hung, or displayed from a flagpole or the exterior of a public building or facility
8 described in par. (a), in accordance with 4 USC 7:

9 1. A prisoners of war or missing in action flag or other appropriate flag
10 commemorating veterans, the U.S. or state armed forces, or the military.

11 2. A flag of a federally recognized American Indian tribe or band for special,
12 occasional, or ceremonial purposes.

13 3. A flag of a state or territory of the United States, for special, occasional, or
14 ceremonial purposes.

15 4. A flag of a foreign nation for special, occasional, or ceremonial purposes.

16 5. A flag of a foreign nation to identify persons officially representing such
17 foreign nation or the property or premises of the person or nation.

18 6. A flag of a local governmental unit.

19 7. A recognized flag of a unit of firefighters, law enforcement officers,
20 emergency medical technicians, or other first responders.

21 8. A flag of a state that borders Wisconsin, at a shared weighing station at a
22 port of entry.

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9. A flag flown, hung, or displayed at a marina, airport, airfield, train, or bus terminal, if the purpose of the flag at the site is for safety.

10. An official flag of a school or university or mascot, or the official flags of visiting schools and universities for special, occasional, or ceremonial purposes.

(c) No flag flown, hung, or displayed under an exception in par. (b) may be a flag that has been used for or is used for ceremonial purposes related to a political party, a political or social cause, a sexual orientation or gender identity, a political, ideological, or religious viewpoint, or a gang or extremist group as designated by the federal bureau of investigation, nor a flag that commemorates, represents, or shows support for or opposition to a political party, a political or social cause, a racial identity, a sexual orientation or gender identity, or a political, ideological, or religious viewpoint.

(d) No flag flown, hung, or displayed under an exception in par. (b) may be a flag that has been used for or is used for ceremonial purposes and was designed to recognize a holiday listed under s. 230.35 (4) (a) or 995.20 nor a flag that represents, commemorates, or has been designed to recognize a holiday listed under s. 230.35 (4) (a) or 995.20.

(e) Paragraph (a) does not affect the rights of a federally recognized American Indian tribe or band to fly, hang, or display flags on property within the boundaries of an Indian reservation or other land held in trust for the tribe or band.

(f) Paragraph (a) does not apply to a state office building, facility, or property that is leased or rented to a private, nongovernmental entity.

SECTION 2. Adm 2.07 (1) of the administrative code is repealed.

(END)