

HOUSE BILL NO. 819

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE DISPLAY OF FLAGS AND
BANNERS IN OR ON GOVERNMENT PROPERTY, STATE BUILDINGS AND GROUNDS, PUBLIC
SCHOOLS, AND OTHER GOVERNMENT-OWNED FACILITIES; PROVIDING LEGISLATIVE FINDINGS;
PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS; PROVIDING EXCEPTIONS; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative findings. The legislature finds that:

(1) Government property, including state buildings and grounds, public schools, and other
government-owned facilities, should serve neutral governmental functions and not be used to promote political
or ideological advocacy.

(2) The United States flag and other officially recognized governmental flags represent the
collective identity, heritage, and sovereignty of the nation, state, and local entities and should be the primary
symbols displayed on government property.

(3) Allowing nongovernmental or politically charged symbols on state property creates
inconsistency in enforcement, legal challenges, and public divisiveness, undermining the neutrality and
inclusivity of government spaces.

(4) Flags honoring law enforcement officers, military service members, and public service
organizations provide appropriate, nonpolitical recognition of their contributions to public safety and national

1 defense.

2 (5) [Sections 1 through 3] do not infringe on private speech or individual expression, as they apply
3 solely to government-controlled displays, ensuring personal freedoms remain intact while maintaining a neutral
4 public environment.

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6 NEW SECTION. Section 2. Definitions. For the purposes of [sections 1 through 3], the following
7 definitions apply:

8 (1) "Flag" means any physical or digital material designed for display on a flagpole, building, wall,
9 vehicle, or other structure. Flags typically serve as symbols of identity, allegiance, recognition, commemoration,
10 or advocacy, representing nations, states, political movements, or social causes.

11 (2) "Government property" means buildings, grounds, vehicles, uniforms, and any other property
12 owned, leased, or controlled by a state, county, municipal, or other government entity, including public schools,
13 universities, and special districts.

14

15 NEW SECTION. Section 3. Display of flags and banners on government property. (1) No flag or
16 banner may be displayed in or on government property, including but not limited to state buildings and grounds,
17 public schools, and other government-owned facilities, other than the following flags and banners:

18 (a) the United States flag;

19 (b) the official flag of the state of Montana, or any county, municipality, special district, or other
20 political subdivision within the state;

21 (c) the official flag of a school district, public university, or community college;

22 (d) the official flag of any state in the United States;

23 (e) the official flag of any federally recognized tribal nation;

24 (f) the official flag of any federally recognized foreign nation;

25 (g) the official flag of any of the branches and units of the United States military;

26 (h) official historical flags of the United States and the state of Montana, including but not limited to
27 the Betsy Ross flag, Gadsden flag, and other flags of historical significance;

28 (i) the POW/MIA flag, as provided in 1-1-541;

1 (j) flags or banners representing official school mascots and colors; and

2 (k) official law enforcement flags, including but not limited to flags honoring law enforcement
3 officers and fallen officers.

4 (2) (a) No flags or banners may be displayed on state property that represent a political viewpoint,
5 including but not limited to flags or banners regarding a political party, race, sexual orientation, gender, or
6 political ideology.

7 (b) Subsection (2)(a) does not apply to flags recognizing official government entities, law
8 enforcement agencies, military branches, or public service organizations.

9 (3) Nothing in [sections 1 through 3] may be construed to limit the private speech of individuals,
10 and nothing in [sections 1 through 3] may be interpreted to restrict expressions of personal belief outside of
11 official government displays.

12 (4) [Sections 1 through 3] do not apply to personal clothing, jewelry, or accessories worn by
13 government employees, except where specific uniform policies or official dress codes apply.

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15 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be
16 codified as an integral part of Title 1, chapter 1, part 6, and the provisions of Title 1, chapter 1, part 6, apply to
17 [sections 1 through 3].

18
19 **NEW SECTION. Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are
20 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
21 the part remains in effect in all valid applications that are severable from the invalid applications.

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23 **NEW SECTION. Section 6. Effective date.** [This act] is effective on passage and approval.

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