

ALLOWING THE GOVERNOR TO REGULATE THE FLYING OF THE U. S. FLAG
Act of Mar. 4, 1970, P.L. 128, No. 49 **Cl. 38**
AN ACT

Granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. (a) The Governor of the Commonwealth shall have the sole power and duty for regulating the display of the flag of the United States from any public ground or building of the Commonwealth, of any board, commission or authority of the Commonwealth created by the General Assembly, of any political subdivision of the Commonwealth, of any school district of the Commonwealth, or from any ground or building of any institution which receives any State aid from the Commonwealth. The Governor shall have the power and duty to promulgate rules and regulations pursuant to the provisions of this section and such rules and regulations shall be in compliance with the National Flag Code.

(b) Notwithstanding any of the provisions of this section, the United States flag shall be displayed daily, except during inclement weather, at all educational institutions of higher learning which are State-owned or receive State aid from the Commonwealth.

(c) In addition to any other powers or duties imposed by this section, the Governor shall require the Department of General Services to display continuously from a flag pole the official POW/MIA flag until all POW's and MIA's return or are accounted for in "Soldiers' Grove," as defined in the act of October 30, 1987 (P.L.375, No.75), entitled "An act providing for the designation of certain trees and land on the grounds of the State Capitol in Harrisburg as 'Soldiers' Grove' in honor of war veterans; imposing duties upon the Department of General Services; and making an appropriation," and, as provided under subsection (c.1), at all roadside rests and welcome centers operated by the Department of Transportation within the meaning of the act of June 7, 1961 (P.L.257, No.151), entitled "An act providing for the construction, erection and maintenance of roadside rests adjacent to State highway routes; providing for the acquisition of interests in land by gift, purchase or condemnation; granting powers to and imposing duties upon the Department of Transportation, the Secretary of Transportation, the Governor and the Department of General Services; authorizing rules and regulations and providing penalties for violations thereof, and making an appropriation," and the regulations promulgated under that act and at all Pennsylvania Turnpike service plazas. If a roadside rest or welcome center operated by the Department of Transportation or Pennsylvania Turnpike service plaza has an existing flag pole, the POW/MIA flag may be flown from such flag pole. When the POW/MIA flag is to be displayed with a flag flown at half mast, the POW/MIA flag may be removed. ((c) amended Nov. 3, 2020, P.L.1085, No.109)

(c.1) The following shall apply:

(1) The official POW/MIA flag shall be displayed at all roadside rests and welcome centers operated by the Department of Transportation and Pennsylvania Turnpike service plazas as provided under subsection (c) within 30 days of the effective

date of this subsection if the official POW/MIA flag can be accommodated on an existing flag pole. If the official POW/MIA flag cannot be accommodated on an existing flag pole, the Department of Transportation and the Pennsylvania Turnpike shall submit, within 30 days of the effective date of this subsection, a plan to display the official POW/MIA flag as required under subsection (c) by December 31, 2021, to the following:

(i) The chairperson and minority chairperson of the State Government Committee of the Senate.

(ii) The chairperson and minority chairperson of the State Government Committee of the House of Representatives.

(iii) The chairperson and minority chairperson of the Transportation Committee of the Senate.

(iv) The chairperson and minority chairperson of the Transportation Committee of the House of Representatives.

(2) The Department of Transportation and the Pennsylvania Turnpike shall report compliance with the requirements under subsection (c) on or before December 31, 2021, to the following:

(i) The chairperson and minority chairperson of the State Government Committee of the Senate.

(ii) The chairperson and minority chairperson of the State Government Committee of the House of Representatives.

(iii) The chairperson and minority chairperson of the Transportation Committee of the Senate.

(iv) The chairperson and minority chairperson of the Transportation Committee of the House of Representatives.

((c.1) added Nov. 3, 2020, P.L.1085, No.109)

(d) In addition to any other powers and duties imposed by this section, the following shall apply:

(1) When the United States flag is displayed on any ground or building owned or under the control of the Commonwealth, the official POW/MIA flag shall also be displayed where it can be reasonably accommodated.

(2) In the case of all other public grounds and buildings in this Commonwealth, the Governor shall permit the display of the official POW/MIA flag.

((d) amended Oct. 29, 2020, P.L.716, No.81)

(e) In addition to any powers and duties imposed by this section, the Governor shall permit the display of the official Honor and Remember flag from the flagpoles of any public building or ground in this Commonwealth. ((e) added Nov. 3, 2020, P.L.1085, No.109)

(1 amended May 2, 1974, P.L.264, No.71)

Section 2. All other acts and parts of acts inconsistent herewith are hereby repealed.

Section 3. This act shall take effect immediately.