

ALLOWING THE GOVERNOR TO REGULATE THE FLYING OF THE U.S. FLAG  
- DISPLAY OF FLAG

Act of Nov. 3, 2020, P.L. 1085, No. 109

Cl. 71

Session of 2020

No. 2020-109

SB 395

AN ACT

Amending the act of March 4, 1970 (P.L.128, No.49), entitled "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," further providing for display of flag.

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

Section 1. Section 1(c) of the act of March 4, 1970 (P.L.128, No.49), entitled "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," is amended and the section is amended by adding subsections to read:

Section 1. \* \* \*

(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," [the official POW/MIA flag until all POW's and MIA's return or are accounted for.]

**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.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.

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(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.

Section 2. This act shall take effect in 60 days.

APPROVED--The 3rd day of November, A.D. 2020.

TOM WOLF