

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 395 Session of 2019

INTRODUCED BY BROOKS, SCARNATI, GORDNER, BROWNE, AUMENT, BARTOLOTTA, KILLION, K. WARD, COSTA, BREWSTER, STREET AND MENSCH, MARCH 5, 2019

AS AMENDED ON SECOND CONSIDERATION, JUNE 29, 2020

AN ACT

1 Amending the act of March 4, 1970 (P.L.128, No.49), entitled "An
2 act granting to the Governor of the Commonwealth the sole
3 authority for regulating the display of the flag of the
4 United States from any public ground or building and from any
5 ground or building of certain other institutions," further
6 providing for display of flag.

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

9 Section 1. Section 1(c) of the act of March 4, 1970
10 (P.L.128, No.49), entitled "An act granting to the Governor of
11 the Commonwealth the sole authority for regulating the display
12 of the flag of the United States from any public ground or
13 building and from any ground or building of certain other
14 institutions," is amended AND THE SECTION IS AMENDED BY ADDING <--
15 SUBSECTIONS to read:

16 Section 1. \* \* \*

17 (c) In addition to any other powers or duties imposed by
18 this section, the Governor shall require the Department of
19 General Services to display continuously from a flag pole the

1 official POW/MIA flag until all POW's and MIA's return or are  
2 accounted for in "Soldiers' Grove," as defined in the act of  
3 October 30, 1987 (P.L.375, No.75), entitled "An act providing  
4 for the designation of certain trees and land on the grounds of  
5 the State Capitol in Harrisburg as 'Soldiers' Grove' in honor of  
6 war veterans; imposing duties upon the Department of General  
7 Services; and making an appropriation," [the official POW/MIA  
8 flag until all POW's and MIA's return or are accounted for.]  
9 and, AS PROVIDED UNDER SUBSECTION (C.1), at all roadside rests <--  
10 and welcome centers operated by the Department of Transportation  
11 and Pennsylvania Turnpike rest stops within the meaning of the <--  
12 act of June 7, 1961 (P.L.257, No.151), entitled "An act  
13 providing for the construction, erection and maintenance of  
14 roadside rests adjacent to State highway routes; providing for  
15 the acquisition of interests in land by gift, purchase or  
16 condemnation; granting powers to and imposing duties upon the  
17 Department of Transportation, the Secretary of Transportation,  
18 the Governor and the Department of General Services; authorizing  
19 rules and regulations and providing penalties for violations  
20 thereof, and making an appropriation," and the regulations  
21 promulgated under that act AND AT ALL PENNSYLVANIA TURNPIKE <--  
22 SERVICE PLAZAS. If a roadside rest or welcome center operated by  
23 the Department of Transportation or Pennsylvania Turnpike rest <--  
24 stop SERVICE PLAZA has an existing flag pole, the POW/MIA flag <--  
25 may be flown from such flag pole. When the POW/MIA flag is to be  
26 displayed with a flag flown at half mast, the POW/MIA flag may  
27 be removed.

28 (C.1) THE FOLLOWING SHALL APPLY: <--

29 (1) THE OFFICIAL POW/MIA FLAG SHALL BE DISPLAYED AT ALL  
30 ROADSIDE RESTS AND WELCOME CENTERS OPERATED BY THE DEPARTMENT OF

1 TRANSPORTATION AND PENNSYLVANIA TURNPIKE SERVICE PLAZAS AS  
2 PROVIDED UNDER SUBSECTION (C) WITHIN 30 DAYS OF THE EFFECTIVE  
3 DATE OF THIS SUBSECTION IF THE OFFICIAL POW/MIA FLAG CAN BE  
4 ACCOMMODATED ON AN EXISTING FLAG POLE. IF THE OFFICIAL POW/MIA  
5 FLAG CANNOT BE ACCOMMODATED ON AN EXISTING FLAG POLE, THE  
6 DEPARTMENT OF TRANSPORTATION AND THE PENNSYLVANIA TURNPIKE SHALL  
7 SUBMIT, WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS SUBSECTION,  
8 A PLAN TO DISPLAY THE OFFICIAL POW/MIA FLAG AS REQUIRED UNDER  
9 SUBSECTION (C) BY DECEMBER 31, 2021, TO THE FOLLOWING:

10 (I) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE STATE  
11 GOVERNMENT COMMITTEE OF THE SENATE.

12 (II) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE STATE  
13 GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

14 (III) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
15 TRANSPORTATION COMMITTEE OF THE SENATE.

16 (IV) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
17 TRANSPORTATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

18 (2) THE DEPARTMENT OF TRANSPORTATION AND THE PENNSYLVANIA  
19 TURNPIKE SHALL REPORT COMPLIANCE WITH THE REQUIREMENTS UNDER  
20 SUBSECTION (C) ON OR BEFORE DECEMBER 31, 2021, TO THE FOLLOWING:

21 (I) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE STATE  
22 GOVERNMENT COMMITTEE OF THE SENATE.

23 (II) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE STATE  
24 GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

25 (III) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
26 TRANSPORTATION COMMITTEE OF THE SENATE.

27 (IV) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
28 TRANSPORTATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

29 \* \* \*

30 (E) IN ADDITION TO ANY POWERS AND DUTIES IMPOSED BY THIS

<--

1 SECTION, THE GOVERNOR SHALL PERMIT THE DISPLAY OF THE OFFICIAL  
2 HONOR AND REMEMBER FLAG FROM THE FLAGPOLES OF ANY PUBLIC  
3 BUILDING OR GROUND IN THIS COMMONWEALTH.

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

<--

5 IMMEDIATELY.

<--