

---

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 RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 21, 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

1 General Services to display continuously from a flag pole the  
2 official POW/MIA flag until all POW's and MIA's return or are  
3 accounted for in "Soldiers' Grove," as defined in the act of  
4 October 30, 1987 (P.L.375, No.75), entitled "An act providing  
5 for the designation of certain trees and land on the grounds of  
6 the State Capitol in Harrisburg as 'Soldiers' Grove' in honor of  
7 war veterans; imposing duties upon the Department of General  
8 Services; and making an appropriation," [the official POW/MIA  
9 flag until all POW's and MIA's return or are accounted for.]  
10 and, as provided under subsection (c.1), at all roadside rests  
11 and welcome centers operated by the Department of Transportation  
12 within the meaning of the act of June 7, 1961 (P.L.257, No.151),  
13 entitled "An act providing for the construction, erection and  
14 maintenance of roadside rests adjacent to State highway routes;  
15 providing for the acquisition of interests in land by gift,  
16 purchase or condemnation; granting powers to and imposing duties  
17 upon the Department of Transportation, the Secretary of  
18 Transportation, the Governor and the Department of General  
19 Services; authorizing rules and regulations and providing  
20 penalties for violations thereof, and making an appropriation,"  
21 and the regulations promulgated under that act and at all  
22 Pennsylvania Turnpike service plazas. If a roadside rest or  
23 welcome center operated by the Department of Transportation or  
24 Pennsylvania Turnpike service plaza has an existing flag pole,  
25 the POW/MIA flag may be flown from such flag pole. When the  
26 POW/MIA flag is to be displayed with a flag flown at half mast,  
27 the POW/MIA flag may 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 ~~immediately~~ IN 60 <--  
5 DAYS.