

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1582 Session of
1995

INTRODUCED BY O'BRIEN, ZUG, MELIO, TRELLO, HERMAN, ROONEY,
E. Z. TAYLOR, WOGAN, YOUNGBLOOD AND LUCYK, MAY 8, 1995

SENATOR PUNT, MILITARY AND VETERANS AFFAIRS, IN SENATE, AS
AMENDED, NOVEMBER 15, 1995

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, further defining "~~department.~~" <—
3 "DEPARTMENT"; REENACTING PROVISIONS RELATING TO THE <—
4 PENNSYLVANIA VETERANS' MEMORIAL COMMISSION; AND EXTENDING THE
5 EXPIRATION DATE OF THE COMMISSION.

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

8 Section 1. The definition of "department" in section 102 of
9 Title 51 of the Pennsylvania Consolidated Statutes is amended to
10 read:

11 § 102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this title which are applicable to specific
14 provisions of this title, the following words and phrases when
15 used in this title shall have, unless the context clearly
16 indicates otherwise, the meanings given to them in this section:

17 * * *

18 "Department." The Department of Military and Veterans

1 Affairs of the Commonwealth.

2 * * *

3 SECTION 2. SECTIONS 1901, 1902, 1903, 1904 AND 1905 OF TITLE <—
4 51 ARE REENACTED TO READ:

5 § 1901. LEGISLATIVE FINDINGS.

6 (A) RECOGNITION OF CONTRIBUTIONS.--THE GENERAL ASSEMBLY
7 RECOGNIZES THE GREAT CONTRIBUTIONS AND UNSELFISH SACRIFICES MADE
8 BY PENNSYLVANIA SERVICE PEOPLE DURING ARMED CONFLICTS IN WHICH
9 THE UNITED STATES WAS A PARTICIPANT.

10 (B) ABSENCE OF MEMORIAL.--THE GENERAL ASSEMBLY FURTHER
11 RECOGNIZES THAT NO ADEQUATE, APPROPRIATE AND PERMANENT MEMORIAL
12 HAS EVER BEEN ERECTED IN APPRECIATION OF AND IN TRIBUTE TO THOSE
13 PENNSYLVANIA SERVICE PEOPLE WHO GAVE DEVOTED AND DEDICATED
14 SERVICE TO THEIR COUNTRY AND THE COMMONWEALTH.

15 (C) ERECTION OF MEMORIAL.--THE GENERAL ASSEMBLY BELIEVES
16 THAT, IN CONSIDERATION OF THE FOREGOING, A POSITIVE, PERMANENT
17 AND PATRIOTIC MEMORIAL SHOULD BE ERECTED ON THE GROUNDS OF THE
18 INDIANTOWN GAP NATIONAL CEMETERY IN APPRECIATION OF THE FULL
19 MEASURE OF DEVOTION GIVEN BY PENNSYLVANIA'S VETERANS.

20 § 1902. DEFINITIONS.

21 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
22 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
23 CONTEXT CLEARLY INDICATES OTHERWISE:

24 "COMMISSION." THE PENNSYLVANIA VETERANS' MEMORIAL COMMISSION
25 CREATED BY THIS CHAPTER.

26 "FUND." THE PENNSYLVANIA VETERANS' MEMORIAL TRUST FUND
27 ESTABLISHED BY THIS CHAPTER.

28 § 1903. PENNSYLVANIA VETERANS' MEMORIAL COMMISSION.

29 (A) ESTABLISHMENT.--THERE IS ESTABLISHED THE PENNSYLVANIA
30 VETERANS' MEMORIAL COMMISSION TO ERECT ON THE GROUNDS OF THE

1 INDIANTOWN GAP NATIONAL CEMETERY AN APPROPRIATELY PATRIOTIC AND
2 POSITIVE PHYSICAL MONUMENT OR MEMORIAL AS A TESTAMENT OF
3 APPRECIATION FROM THE COMMONWEALTH TO THOSE PENNSYLVANIA SERVICE
4 PERSONS WHO SERVED IN ARMED CONFLICTS IN WHICH THE UNITED STATES
5 WAS A PARTICIPANT.

6 (B) COMPOSITION OF COMMISSION.--THE COMMISSION SHALL BE
7 COMPOSED OF THE FOLLOWING:

8 (1) TWO MEMBERS OF THE SENATE TO BE APPOINTED BY THE
9 PRESIDENT PRO TEMPORE OF THE SENATE, ONE FROM THE MAJORITY
10 PARTY AND ONE FROM THE MINORITY PARTY. PREFERENCE SHALL BE
11 GIVEN TO HONORABLY DISCHARGED VETERANS.

12 (2) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES TO BE
13 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE
14 FROM THE MAJORITY PARTY AND ONE FROM THE MINORITY PARTY.
15 PREFERENCE SHALL BE GIVEN TO HONORABLY DISCHARGED VETERANS.

16 (3) THE SECRETARY OF GENERAL SERVICES, OR A DESIGNEE.

17 (4) THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA
18 HISTORICAL AND MUSEUM COMMISSION, OR A DESIGNEE.

19 (5) ONE MEMBER, APPOINTED BY THE GOVERNOR, WHO MUST BE
20 AN ARCHITECT.

21 (6) FIVE MEMBERS, APPOINTED BY THE GOVERNOR, WHO MUST BE
22 PENNSYLVANIA VETERANS. AT LEAST ONE OF THESE MEMBERS MUST BE
23 A WOMAN.

24 (7) THE COMMANDER OF THE PENNSYLVANIA WAR VETERAN'S
25 COUNCIL, OR A DESIGNEE.

26 (8) THE STATE ADJUTANT OF THE PENNSYLVANIA VETERANS OF
27 FOREIGN WARS, OR A DESIGNEE.

28 (9) THE PENNSYLVANIA STATE COMMANDER OF THE DISABLED
29 AMERICAN VETERANS, OR A DESIGNEE.

30 (10) THE STATE ADJUTANT OF THE PENNSYLVANIA AMERICAN

1 LEGION, OR A DESIGNEE.

2 (11) THE ADJUTANT GENERAL OF THE DEPARTMENT OF MILITARY
3 AFFAIRS, OR A DESIGNEE.

4 (12) THE DIRECTOR OF THE BUREAU OF VETERANS AFFAIRS IN
5 THE DEPARTMENT OF MILITARY AFFAIRS.

6 (13) ONE MEMBER, APPOINTED BY THE GOVERNOR, WHO MUST BE
7 A CERTIFIED PUBLIC ACCOUNTANT.

8 (C) TERMS.--ALL MEMBERS SHALL SERVE FOR A PERIOD OF THREE
9 YEARS FROM THE DATE OF THEIR APPOINTMENT, EXCEPT THAT NO MEMBER
10 APPOINTED UNDER SUBSECTION (B)(1), (2), (3), (4), (7), (8), (9),
11 (10), (11) OR (12) SHALL SERVE PAST THE DATE OF EXPIRATION OF
12 OFFICE.

13 (D) VACANCIES.--VACANCIES IN THE MEMBERSHIP OF THE
14 COMMISSION SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL
15 APPOINTMENT.

16 (E) ORGANIZATION AND PROCEDURE.--

17 (1) THE COMMISSION SHALL ELECT, BY A MAJORITY OF ALL ITS
18 MEMBERS, A CHAIRMAN, VICE CHAIRMAN AND A SECRETARY FROM AMONG
19 ITS MEMBERS, EACH TO SERVE FOR A TERM OF THREE YEARS.

20 (2) A MAJORITY OF ALL MEMBERS OF THE COMMISSION SHALL
21 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS.

22 (3) THE COMMISSION MAY ADOPT RULES FOR ITS GOVERNMENT,
23 ORGANIZATION AND PROCEDURES, NOT INCONSISTENT WITH THE
24 PROVISIONS OF THIS CHAPTER.

25 (F) EXPENSES.--COMMISSION MEMBERS SHALL RECEIVE NO
26 COMPENSATION FOR THEIR SERVICES BUT SHALL BE REIMBURSED BY THE
27 DEPARTMENT FOR ALL NECESSARY TRAVEL AND OTHER REASONABLE
28 EXPENSES INCURRED IN CONNECTION WITH THE PERFORMANCE OF THEIR
29 DUTIES AS MEMBERS OF THE COMMISSION.

30 (G) ADMINISTRATIVE SERVICES.--THE DEPARTMENT SHALL PROVIDE

1 ADMINISTRATIVE STAFF, SUPPORT AND SERVICES TO THE COMMISSION ON
2 AN ONGOING BASIS.

3 § 1904. DUTIES OF COMMISSION.

4 IN ADDITION TO OTHER POWERS CONFERRED BY THIS CHAPTER, THE
5 COMMISSION SHALL HAVE THE POWER:

6 (1) TO ERECT A PHYSICAL MONUMENT TO BE LOCATED ON THE
7 GROUNDS OF THE INDIANTOWN GAP NATIONAL CEMETERY HONORING
8 PENNSYLVANIA VETERANS.

9 (2) TO RECEIVE FOR AND ON BEHALF OF THE COMMONWEALTH
10 MONETARY GIFTS OR BEQUESTS WHICH SHALL BE DEPOSITED IN THE
11 FUND.

12 (3) TO ACCEPT GRANTS AND SUBSIDIES FROM AND ENTER INTO
13 AGREEMENTS OR OTHER TRANSACTIONS WITH ANY FEDERAL AGENCY OR
14 AGENCY OF THE COMMONWEALTH OR OTHER ENTITY.

15 (4) TO ENTER INTO CONTRACTS AND TO EXECUTE ALL
16 INSTRUMENTS NECESSARY OR CONVENIENT FOR CARRYING ON ITS
17 OPERATIONS.

18 (5) TO ISSUE APPROPRIATE REGULATIONS FOR THE
19 IMPLEMENTATION OF THIS CHAPTER.

20 (6) TO DO ALL OTHER THINGS NECESSARY OR CONVENIENT TO
21 CARRY OUT THE POWERS GRANTED TO IT BY THIS CHAPTER.

22 § 1905. PENNSYLVANIA VETERANS' MEMORIAL TRUST FUND.

23 (A) ESTABLISHMENT AND ADMINISTRATION.--THERE IS HEREBY
24 ESTABLISHED A SEPARATE FUND IN THE STATE TREASURY TO BE KNOWN AS
25 THE PENNSYLVANIA VETERANS' MEMORIAL TRUST FUND. THE FUND SHALL
26 BE ADMINISTERED BY THE COMMISSION, AND ALL MONEYS IN THE FUND
27 ARE APPROPRIATED TO THE COMMISSION ON A CONTINUING BASIS.

28 (B) PURPOSE.--THE MONEYS IN THE FUND SHALL BE USED FOR THE
29 SELECTION, DESIGN AND CONSTRUCTION OF AN APPROPRIATE PHYSICAL
30 MONUMENT ON THE GROUNDS OF THE INDIANTOWN GAP NATIONAL CEMETERY

1 AND OTHER COSTS INCIDENTAL THERETO.

2 (C) CONTRIBUTIONS AND SOLICITATION OF FUNDS.--

3 (1) THE COMMISSION IS AUTHORIZED:

4 (I) TO ACCEPT, ON BEHALF OF THE COMMONWEALTH, GIFTS,
5 DONATIONS, LEGACIES AND USAGES OF MONEY FROM INDIVIDUALS,
6 ORGANIZATIONS, PUBLIC OR PRIVATE CORPORATIONS AND OTHER
7 SIMILAR ENTITIES.

8 (II) TO SOLICIT AND RAISE MONEYS FROM PUBLIC AND
9 PRIVATE SOURCES.

10 (2) ALL MONEY RECEIVED OR RAISED UNDER THIS SUBSECTION
11 SHALL BE PAID INTO THE STATE TREASURY AND CREDITED TO THE
12 FUND.

13 SECTION 3. SECTION 1906 OF TITLE 51 IS REENACTED AND AMENDED
14 TO READ:

15 § 1906. EXPIRATION OF CHAPTER.

16 THIS CHAPTER SHALL EXPIRE JUNE 30, [1995] 1999.

17 Section ~~2~~ 4. This act shall take effect immediately.

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