
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1315

Session of
1987

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LIVENGOD, MRKONIC, ITKIN, DeLUCA, OLASZ, PETRARCA, PETRONE,
WASS, GEIST, BIRMELIN, DIETTERICK, KASUNIC AND PERZEL,
MAY 11, 1987

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS,
MAY 11, 1987

AN ACT

1 Creating the Vietnam Veterans' Memorial Commission; prescribing
2 duties; and establishing a fund.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Vietnam
7 Veterans' Memorial Commission Act.

8 Section 2. Legislative findings.

9 (a) Recognition of contributions.--The General Assembly
10 recognizes the great contributions and unselfish sacrifices made
11 by Pennsylvania service people during the Vietnam Conflict.

12 (b) Absence of memorial.--The General Assembly further

1 recognizes that no adequate, appropriate and permanent memorial
2 has ever been erected in appreciation of and in tribute to those
3 Pennsylvania service people who gave devoted and dedicated
4 service to their country and this Commonwealth.

5 (c) Erection of memorial.--The General Assembly believes
6 that, in consideration of the foregoing, a positive, permanent
7 and patriotic memorial should be erected on State grounds or
8 property owned by the Commonwealth in appreciation of the full
9 measure of devotion given by Vietnam veteran service people.

10 Section 3. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Commission." The Vietnam Veterans' Memorial Commission
15 created by this act.

16 "Fund." The Vietnam Veterans' Memorial Trust Fund
17 established by this act.

18 Section 4. Vietnam Veterans' Memorial Commission.

19 (a) Establishment.--There is hereby established the Vietnam
20 Veterans' Memorial Commission to undertake, supervise and
21 coordinate the design, selection and erection, on State grounds
22 or property owned by the Commonwealth, of an appropriately
23 patriotic and positive physical monument or memorial as a
24 testament of appreciation from the Commonwealth to those
25 Pennsylvania service persons who served in the Republic of
26 Vietnam during the Vietnam Conflict period.

27 (b) Composition of commission.--The commission shall be
28 composed of the following:

29 (1) Two members of the Senate to be appointed by the
30 President pro tempore of the Senate, one from the majority

1 party and one from the minority party. Preference shall be
2 given to honorably discharged Vietnam veterans.

3 (2) Two members of the House of Representatives to be
4 appointed by the Speaker of the House of Representatives, one
5 from the majority party and one from the minority party.
6 Preference shall be given to honorably discharged Vietnam
7 veterans.

8 (3) The Secretary of General Services, or his designee.

9 (4) The Executive Director of the Pennsylvania
10 Historical and Museum Commission, or his designee.

11 (5) One non-voting member, appointed by the Governor,
12 who shall be an architect.

13 (6) Five members, appointed by the Governor, who shall
14 be Vietnam veterans. At least one of these members shall be a
15 woman, and one shall be a member of the Veterans of the
16 Vietnam Conflict, or his designee.

17 (7) The Commander of the Pennsylvania War Veterans
18 Council, or his designee.

19 (8) The State Adjutant of the Pennsylvania Veterans of
20 Foreign Wars, or his designee.

21 (9) The Pennsylvania State Commander of the Disabled
22 American Veterans, or his designee.

23 (10) The State Adjutant of the Pennsylvania American
24 Legion, or his designee.

25 (11) The Adjutant General of the Department of Military
26 Affairs, or his designee.

27 (12) The Director of the Bureau of Veterans Affairs in
28 the Department of Military Affairs.

29 (13) One non-voting member, appointed by the Governor,
30 who shall be a certified public accountant.

1 (c) Terms.--All members shall serve for a period of three
2 years from the date of their appointment, except that no member
3 appointed under subsection (b)(1), (2), (3), (4), (7), (8), (9),
4 (10), (11) or (12) shall serve past the date of expiration of
5 his respective office.

6 (d) Vacancies.--Vacancies in the membership of the
7 commission shall be filled in the same manner as the original
8 appointment.

9 (e) Organization and procedure.--

10 (1) The commission shall meet initially within 90 days
11 after the effective date of this act and shall elect, by a
12 majority of all its members, a chairman, vice chairman and a
13 secretary from among its members, each to serve for a term of
14 three years.

15 (2) A majority of all the members of the commission
16 shall constitute a quorum for the transaction of business.

17 (3) The commission may adopt rules for its government,
18 organization and procedures, not inconsistent with the
19 provisions of this act.

20 (f) Expenses.--Commission members shall receive no
21 compensation for their services but shall be reimbursed as
22 hereinafter provided for all necessary travel and other
23 reasonable expenses incurred in connection with the performance
24 of their duties as members of the commission.

25 Section 5. Duties of commission.

26 In addition to other powers conferred by this act, the
27 commission shall have the power:

28 (1) To develop a comprehensive plan and design for a
29 physical monument to be located on State grounds or property
30 owned by the Commonwealth honoring Vietnam veterans.

1 (2) To coordinate and supervise the gathering of various
2 designs for the monument, to make a final design selection
3 and to select an appropriate physical site for erection of
4 the monument on State grounds or property owned by the
5 Commonwealth.

6 (3) To receive, for and on behalf of the Commonwealth,
7 monetary gifts or bequests which shall be deposited in the
8 Vietnam Veterans' Memorial Trust Fund.

9 (4) To accept grants and subsidies from and enter into
10 agreements or other transactions with any Federal agency or
11 agency of the Commonwealth or other entity.

12 (5) To enter into contracts and to execute all
13 instruments necessary or convenient for carrying on its
14 operations.

15 (6) To issue appropriate regulations for the
16 implementation of this act.

17 (7) To do all other things necessary or convenient to
18 carry out the powers granted to it by this act.

19 Section 6. Vietnam Veterans' Memorial Trust Fund.

20 (a) Establishment and administration.--There is hereby
21 established a separate fund in the State Treasury to be known as
22 the Vietnam Veterans' Memorial Trust Fund. The fund shall be
23 administered by the commission, and all moneys in the fund are
24 hereby appropriated to the commission on a continuing basis.

25 (b) Purpose.--The moneys in the fund shall be used:

26 (1) For the design and selection of an appropriate
27 physical monument to be erected on State grounds or property
28 owned by the Commonwealth and other costs incidental thereto.

29 (2) For the payment of the necessary travel and other
30 reasonable expenses incurred by members of the commission. No

1 more than 0.5% of the fund shall be set aside for this
2 purpose, with the remaining balance at the end of each fiscal
3 year returned to the corpus of the fund.

4 (c) Contributions and solicitation of funds.--

5 (1) The commission is hereby authorized:

6 (i) To accept, on behalf of the Commonwealth, gifts,
7 donations, legacies and usages of money from individuals,
8 organizations, public or private corporations and other
9 similar entities.

10 (ii) To solicit and raise moneys from public and
11 private sources.

12 (2) All moneys received or raised under this subsection
13 shall be paid into the State Treasury and credited to the
14 fund.

15 Section 7. Expenditure of funds prohibited.

16 No taxpayer funds shall be expended for the design, selection
17 or erection of the Vietnam Veterans' Memorial.

18 Section 8. Initial appointments.

19 Initial appointments to the commission shall be made within
20 30 days of the effective date of this act.

21 Section 9. General repeal.

22 All acts and parts of acts are repealed insofar as they are
23 inconsistent with this act.

24 Section 10. Expiration.

25 This act expires in three years, unless extended by statute.

26 Section 11. Effective date.

27 This act shall take effect immediately.