

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 1709 Session of
1992

INTRODUCED BY PUNT, HOPPER, SHAFFER, STOUT, SHUMAKER, BELL,
FISHER, O'PAKE, SCHWARTZ, BELAN, STAPLETON, HART, RHOADES,
REIBMAN, SALVATORE, PECORA, HELFRICK AND ROBBINS,
MAY 11, 1992

SENATE AMENDMENTS TO HOUSE AMENDMENTS, NOVEMBER 25, 1992

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, ~~extending the expiration date of the~~ <—
3 ~~Pennsylvania Veterans' Memorial Commission; and providing for~~
4 the display of the POW/MIA flag at the western entrance of
5 the Fort Pitt Tunnel in Allegheny County AND FOR THE <—
6 PENNSYLVANIA VETERANS' MEMORIAL COMMISSION.

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

9 Section 1. Title 51 of the Pennsylvania Consolidated
10 Statutes is amended by adding a section to read:

11 § 512. Display of POW/MIA flag.

12 The POW/MIA flag may be displayed at the western entrance to
13 the Fort Pitt Tunnel in Allegheny County.

14 ~~Section 2. Section 1906 of Title 51 is amended to read:~~ <—
15 ~~§ 1906. Expiration of chapter.~~

16 ~~This chapter shall expire on [June 30, 1992] June 30, 1995.~~

17 SECTION 2. TITLE 51 IS AMENDED BY ADDING A CHAPTER TO READ: <—

18 CHAPTER 19

PENNSYLVANIA VETERANS' MEMORIAL COMMISSION

SEC.

1901. LEGISLATIVE FINDINGS.

1902. DEFINITIONS.

PENNSYLVANIA VETERANS' MEMORIAL COMMISSION.

1904. DUTIES OF COMMISSION.

1905. PENNSYLVANIA VETERANS' MEMORIAL TRUST FUND.

1906. EXPIRATION OF CHAPTER.

§ 1901. LEGISLATIVE FINDINGS.

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

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

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

§ 1902. DEFINITIONS.

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

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

"FUND." THE PENNSYLVANIA VETERANS' MEMORIAL TRUST FUND

1 ESTABLISHED BY THIS CHAPTER.

2 § 1903. PENNSYLVANIA VETERANS' MEMORIAL COMMISSION.

3 (A) ESTABLISHMENT.--THERE IS ESTABLISHED THE PENNSYLVANIA
4 VETERANS' MEMORIAL COMMISSION TO ERECT ON THE GROUNDS OF THE
5 INDIANTOWN GAP NATIONAL CEMETERY AN APPROPRIATELY PATRIOTIC AND
6 POSITIVE PHYSICAL MONUMENT OR MEMORIAL AS A TESTAMENT OF
7 APPRECIATION FROM THE COMMONWEALTH TO THOSE PENNSYLVANIA SERVICE
8 PERSONS WHO SERVED IN ARMED CONFLICTS IN WHICH THE UNITED STATES
9 WAS A PARTICIPANT.

10 (B) COMPOSITION OF COMMISSION.--THE COMMISSION SHALL BE
11 COMPOSED OF THE FOLLOWING:

12 (1) TWO MEMBERS OF THE SENATE TO BE APPOINTED BY THE
13 PRESIDENT PRO TEMPORE OF THE SENATE, ONE FROM THE MAJORITY
14 PARTY AND ONE FROM THE MINORITY PARTY. PREFERENCE SHALL BE
15 GIVEN TO HONORABLY DISCHARGED VETERANS.

16 (2) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES TO BE
17 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE
18 FROM THE MAJORITY PARTY AND ONE FROM THE MINORITY PARTY.
19 PREFERENCE SHALL BE GIVEN TO HONORABLY DISCHARGED VETERANS.

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

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

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

25 (6) FIVE MEMBERS, APPOINTED BY THE GOVERNOR, WHO MUST BE
26 PENNSYLVANIA VETERANS. AT LEAST ONE OF THESE MEMBERS MUST BE
27 A WOMAN.

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

30 (8) THE STATE ADJUTANT OF THE PENNSYLVANIA VETERANS OF

FOREIGN WARS, OR A DESIGNEE.

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

(10) THE STATE ADJUTANT OF THE PENNSYLVANIA AMERICAN LEGION, OR A DESIGNEE.

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

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

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

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

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

(E) ORGANIZATION AND PROCEDURE.--

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

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

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

(F) EXPENSES.--COMMISSION MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE REIMBURSED BY THE

1 DEPARTMENT FOR ALL NECESSARY TRAVEL AND OTHER REASONABLE
2 EXPENSES INCURRED IN CONNECTION WITH THE PERFORMANCE OF THEIR
3 DUTIES AS MEMBERS OF THE COMMISSION.

4 (G) ADMINISTRATIVE SERVICES.--THE DEPARTMENT SHALL PROVIDE
5 ADMINISTRATIVE STAFF, SUPPORT AND SERVICES TO THE COMMISSION ON
6 AN ONGOING BASIS.

7 § 1904. DUTIES OF COMMISSION.

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

10 (1) TO ERECT A PHYSICAL MONUMENT TO BE LOCATED ON THE
11 GROUNDS OF THE INDIANTOWN GAP NATIONAL CEMETERY HONORING
12 PENNSYLVANIA VETERANS.

13 (2) TO RECEIVE FOR AND ON BEHALF OF THE COMMONWEALTH,
14 MONETARY GIFTS OR BEQUESTS WHICH SHALL BE DEPOSITED IN THE
15 FUND.

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

19 (4) TO ENTER INTO CONTRACTS AND TO EXECUTE ALL
20 INSTRUMENTS NECESSARY OR CONVENIENT FOR CARRYING ON ITS
21 OPERATIONS.

22 (5) TO ISSUE APPROPRIATE REGULATIONS FOR THE
23 IMPLEMENTATION OF THIS CHAPTER.

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

26 § 1905. PENNSYLVANIA VETERANS' MEMORIAL TRUST FUND.

27 (A) ESTABLISHMENT AND ADMINISTRATION.--THERE IS HEREBY
28 ESTABLISHED A SEPARATE FUND IN THE STATE TREASURY TO BE KNOWN AS
29 THE PENNSYLVANIA VETERANS' MEMORIAL TRUST FUND. THE FUND SHALL
30 BE ADMINISTERED BY THE COMMISSION, AND ALL MONEYS IN THE FUND

1 ARE APPROPRIATED TO THE COMMISSION ON A CONTINUING BASIS.

2 (B) PURPOSE.--THE MONEYS IN THE FUND SHALL BE USED FOR THE
3 SELECTION, DESIGN AND CONSTRUCTION OF AN APPROPRIATE PHYSICAL
4 MONUMENT ON THE GROUNDS OF THE INDIANTOWN GAP NATIONAL CEMETERY
5 AND OTHER COSTS INCIDENTAL THERETO.

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

7 (1) THE COMMISSION IS AUTHORIZED:

8 (I) TO ACCEPT, ON BEHALF OF THE COMMONWEALTH, GIFTS,
9 DONATIONS, LEGACIES AND USAGES OF MONEY FROM INDIVIDUALS,
10 ORGANIZATIONS, PUBLIC OR PRIVATE CORPORATIONS AND OTHER
11 SIMILAR ENTITIES.

12 (II) TO SOLICIT AND RAISE MONEYS FROM PUBLIC AND
13 PRIVATE SOURCES.

14 (2) ALL MONEY RECEIVED OR RAISED UNDER THIS SUBSECTION
15 SHALL BE PAID INTO THE STATE TREASURY AND CREDITED TO THE
16 FUND.

17 § 1906. EXPIRATION OF CHAPTER.

18 THIS CHAPTER SHALL EXPIRE JUNE 30, 1995.

19 Section 3. This act shall be retroactive to June 30, 1992,
20 if enacted after that date.

21 Section 4. This act shall take effect immediately.