

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1047 Session of 2022

INTRODUCED BY GEBHARD, MARTIN, KANE, MASTRIANO, ROBINSON, PHILLIPS-HILL, BAKER, MENSCH AND J. WARD, JANUARY 31, 2022

SENATOR STEFANO, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, FEBRUARY 7, 2022

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in preliminary provisions, further
3 providing for definitions; and, in State Armory Board,
4 repealing provisions relating to composition and general
5 functions, providing for definitions and for composition and
6 general functions, further providing for erection of armories
7 and for management of armories, providing for management of
8 buildings and structures at Fort Indiantown Gap, further
9 providing for purchase or lease of ground for armories, for
10 donation of land by political subdivisions, for donation of
11 property and services by political subdivisions, for sale of
12 unusable armories and land and sale or lease of timber and
13 mineral rights, for payment of armory rentals by Commonwealth
14 and for rental of armories, providing for rental and lease at
15 Fort Indiantown Gap and further providing for property in
16 armories of units in Federal service, for State Treasury
17 Armory Fund and for maintenance, construction and repairs.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. The definition of "armory" in section 102 of
21 Title 51 of the Pennsylvania Consolidated Statutes is amended to
22 read:

23 § 102. Definitions.

24 Subject to additional definitions contained in subsequent
25 provisions of this title which are applicable to specific

1 provisions of this title, the following words and phrases when
2 used in this title shall have, unless the context clearly
3 indicates otherwise, the meanings given to them in this section:

4 "Armory." Land, buildings and fixtures under the control of
5 the department that are either located at Fort Indiantown Gap or
6 are used for [housing elements of] housing, maintaining and
7 supporting the Pennsylvania military forces, the Pennsylvania
8 National Guard or the Pennsylvania Guard.

9 * * *

10 Section 2. Section 1501 of Title 51 is repealed:

11 [~~§ 1501. Composition and general functions.~~

12 ~~The State Armory Board shall consist of the Adjutant General,~~
13 ~~who shall act as chairman, and eight members appointed by the~~
14 ~~Adjutant General. Three of the members of the State Armory Board~~
15 ~~appointed by the Adjutant General shall be members of the~~
16 ~~Pennsylvania National Guard. The State Armory Board shall~~
17 ~~exercise the powers, duties and provisions of this chapter. The~~
18 ~~board shall appoint a secretary who need not be a member of the~~
19 ~~board. It shall provide, equip, maintain, manage and regulate~~
20 ~~armories for the use of the Pennsylvania military forces. It~~
21 ~~may, with the approval of the Governor, accept gifts of land,~~
22 ~~with or without buildings thereon, to be used for military~~
23 ~~purposes. The title to all such land shall be taken in the name~~
24 ~~of the Commonwealth. It may also employ funds appropriated to it~~
25 ~~to purchase, for armory purposes, any suitable buildings or~~
26 ~~sites.]~~

27 Section 3. Title 51 is amended by adding sections to read:

28 § 1501.1. Definitions.

29 The following words and phrases when used in this chapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Board." The State Armory Board established under this
3 chapter.

4 "Fund." The State Treasury Armory Fund established under
5 section 1511 (relating to State Treasury Armory Fund).

6 § 1501.2. Composition and general functions.

7 (a) Membership and chairperson.--

8 (1) The board shall consist of the Adjutant General or a
9 designee.

10 (2) The department's ~~director~~ DEPUTY of the Office of <--
11 Facilities and Engineering shall be the chairperson of the
12 board.

13 (3) The chairperson shall designate a secretary of the
14 board who may not be a member of the board.

15 (4) The Adjutant General shall appoint eight members to
16 the board, three of whom shall be members of the Pennsylvania
17 National Guard.

18 (b) Powers.--The board shall exercise the powers, duties and
19 provisions of this chapter.

20 (c) Purposes.--

21 (1) The board shall provide, equip, maintain, manage and
22 regulate armories.

23 (2) The board may, in consultation with the Adjutant
24 General and with the approval of the Governor, accept gifts
25 of land, with or without buildings, to be used for military
26 purposes or to support the mission of the department. The
27 title to all land acquired under this paragraph shall be in
28 the name of the Commonwealth.

29 (3) The board, in consultation with the Adjutant
30 General, may use money appropriated to the board to purchase,

1 for armory purposes, suitable buildings or sites.

2 Section 4. Sections 1502 and 1503 of Title 51 are amended to
3 read:

4 § 1502. Erection of armories.

5 [The Armory Board is hereby empowered and directed to erect
6 or provide anywhere within the limits of this Commonwealth, upon
7 such terms and conditions as shall be decided upon by said
8 Armory Board, armories for the use of the Pennsylvania National
9 Guard. These armories shall be used for training assemblies,
10 meetings and rendezvous purposes by the organizations of the
11 Pennsylvania National Guard and, when organized, the
12 Pennsylvania Guard.]

13 (a) Power.--The board, in consultation with the Adjutant
14 General, may utilize money appropriated to the board to erect or
15 provide armories anywhere within the limits of this Commonwealth
16 and upon terms and conditions that are recommended by the board
17 and approved by the Adjutant General.

18 (b) Use of armories.--An armory shall be used for storage,
19 to maintain property, to support training assemblies, hold
20 meetings and for rendezvous purposes by an organization of the
21 Pennsylvania military forces, Pennsylvania National Guard or the
22 Pennsylvania Guard.

23 § 1503. Management of armories.

24 [The Armory Board shall constitute a board for the general
25 management and care of said armories, when established, and
26 shall have the power to adopt and prescribe rules and
27 regulations for their management and government, and formulate
28 such rules for the guidance of the organization occupying them
29 as may be necessary and desirable.] The board, in consultation
30 with the Adjutant General, shall adopt and prescribe rules and

1 regulations as necessary for the management, operation and
2 naming of armories and for the guidance of the organization
3 occupying the armories.

4 Section 5. Title 51 is amended by adding a section to read:

5 § 1503.1. Management of buildings and structures at Fort
6 Indiantown Gap.

7 The board, in consultation with the Adjutant General, may
8 direct the administration and utilization of buildings or
9 structures at Fort Indiantown Gap that are owned by this
10 Commonwealth.

11 Section 6. Sections 1504, 1505, 1506, 1507, 1508 and 1509 of
12 Title 51 are amended to read:

13 § 1504. Purchase or lease of ground for armories.

14 [The Armory Board shall have full authority to purchase or
15 lease ground in the various localities throughout this
16 Commonwealth where it shall be deemed necessary to provide
17 armories. The ground in each instance shall be purchased or
18 leased in the name and for the use of the Commonwealth of
19 Pennsylvania, and upon the ground so purchased or leased, the
20 Armory Board is authorized and directed to erect an armory or
21 use said land for the benefit of the Pennsylvania military
22 forces. When such armory or armories are erected or provided,
23 the said Armory Board shall have charge thereof and arrange for
24 its occupancy and use, under the direction and responsibility of
25 the senior officer in command of the using unit or
26 organization.]

27 (a) Authority.--Utilizing money appropriated to the board,
28 the board, in consultation with the Adjutant General, may
29 purchase or lease ground in this Commonwealth where deemed
30 necessary to provide armories. The ground purchased or leased

1 under this subsection shall be in the name and for the use of
2 the Commonwealth.

3 (b) Erection of armory.--Utilizing money appropriated to the
4 board and under the direction of the Adjutant General, the board
5 may erect an armory or use ground purchased or leased under
6 subsection (a) for the benefit of the Pennsylvania military
7 forces, the Pennsylvania National Guard or the Pennsylvania
8 Guard.

9 (c) Timeline for use of ground.--If an armory is erected
10 under this section, the board shall inform the Adjutant General
11 of the armory's availability for occupancy and use. The Adjutant
12 General shall set a timeline for a using unit or organization to
13 occupy the armory under the direction and responsibility of the
14 senior officer in command of the using unit or organization.

15 § 1505. Donation of land by political subdivisions.

16 It shall be lawful for any county, city, borough, town or
17 township to acquire by purchase or by gift, or by the right of
18 eminent domain, any land [for the use of the Pennsylvania
19 National Guard,] to be used as an armory, and to convey such
20 lands so acquired to the Commonwealth of Pennsylvania. The
21 proceedings for the condemnation of lands under the provisions
22 of this chapter and for the assessment of damages for the
23 property taken, injured or destroyed shall be taken in the same
24 manner as is now provided by 26 Pa.C.S. (relating to eminent
25 domain).

26 § 1506. Donation of property and services by political
27 subdivisions.

28 (a) General rule.--Any political subdivision of this
29 Commonwealth is hereby authorized and empowered, either
30 independently or in connection with any other political

1 subdivision of this Commonwealth, to provide and appropriate
2 moneys or convey land to the Commonwealth [of Pennsylvania] to
3 assist the [Armory Board] board in the erection of armories for
4 the use of the Pennsylvania National Guard. Any political
5 subdivision may furnish water, light or fuel, either or all,
6 free of cost to the Commonwealth [of Pennsylvania], for use in
7 any armory of the Pennsylvania National Guard, and to do all
8 things necessary to accomplish the purpose of this chapter.

9 (b) Authority of government units.--The [Armory Board]
10 board, in consultation with the Adjutant General, shall have
11 power to receive from any political subdivisions or other
12 sources, donations of land, or contributions of money, to aid in
13 providing or erecting armories throughout this Commonwealth [for
14 the use of the Pennsylvania National Guard and] which shall be
15 held as other property for the use of the Commonwealth [of
16 Pennsylvania. Such political subdivisions are hereby authorized
17 to]. The political subdivisions may make [such] donations or
18 contributions for the purpose of this chapter.

19 § 1507. Sale of unusable armories and land; sale or lease of
20 timber and mineral rights.

21 (a) General rule.--

22 (1) Whenever, in the opinion of the [Armory Board]
23 Adjutant General, any armory building, armory site, or other
24 real estate owned by the Commonwealth is no longer suitable
25 for military services due to change in population or to the
26 needs of the military service, the board, upon approval of
27 the Adjutant General, may sell the property in accordance
28 with law.

29 (2) Whenever, in the opinion of the [Armory Board]
30 Adjutant General, timber or other mineral rights at Fort

1 Indiantown Gap, any State armory or any other military lands
2 or facilities may be sold or leased without disruption of the
3 usual military purposes of the property and without undue
4 adverse impact upon the local environment, the board, upon
5 approval of the Adjutant General, may sell or lease the
6 rights in accordance with law.

7 (b) Disposition of proceeds.--All money derived from sale of
8 property under subsection (a) (1) or from sale or lease of rights
9 under subsection (a) (2) shall be paid into the [State Treasury
10 Armory Fund] fund.

11 § 1508. Payment of armory rentals by Commonwealth.

12 The annual rental of all armories and buildings not owned by
13 the Commonwealth and occupied by any organization, shall be paid
14 by the State Treasurer in the manner provided by law. All
15 payments for light, heat, water and janitor services in rented
16 armories and buildings shall be made by the [Department of
17 Military Affairs] department upon properly itemized vouchers,
18 except where such services are furnished by the landlord under
19 the rental contract.

20 § 1509. Rental and lease of armories.

21 [The State Armory Board may issue such rules and regulations
22 for the rental of armories for non-military purposes to
23 responsible persons or organizations at scheduled rates approved
24 by the State Armory Board. Notwithstanding any other provision
25 of law, said rentals shall be payable to the State Treasury
26 Armory Fund.] The board, in consultation with the Adjutant
27 General, may rent or lease an armory, subject to the following:

28 (1) The board may promulgate rules and regulations for
29 the rental or lease of an armory to persons or organizations
30 at scheduled rates approved by the board.

1 (2) The Adjutant General may authorize lease or rental
2 fee waivers to government and nonprofit organizations.

3 (3) Notwithstanding any other provision of law, rental
4 and leases under this section shall be payable to the fund.

5 (4) A lease executed under this section may not be
6 executed for longer than a term of five years.

7 Section 7. Title 51 is amended by adding a section to read:

8 § 1509.1. Rental and lease at Fort Indiantown Gap.

9 The board, upon approval of the Adjutant General, may rent or
10 lease a building or structure located at Fort Indiantown Gap
11 that is owned by the Commonwealth, subject to the following:

12 (1) The rental or lease of buildings and structures
13 under this section must be to organizations or entities that
14 support the mission of the department at schedule rates
15 approved by the board.

16 (2) The Adjutant General may authorize lease and rental
17 fee waivers to government and nonprofit organizations.

18 (3) Notwithstanding any other provision of law, fees
19 under this section shall be payable to the fund.

20 (4) A lease executed under this section may not be
21 executed for longer than a term of five years.

22 Section 8. Sections 1510, 1511 and 1512 of Title 51 are
23 amended to read:

24 § 1510. Property in armories of units in Federal service.

25 (a) Custody and use.--When units of the Pennsylvania
26 National Guard are called or ordered into the service of the
27 United States, all furniture, permanent property and equipment
28 located in [their] the respective armories, purchased from State
29 or municipal funds, or donated to the unit from private sources,
30 will be left in the armory and will be taken into custody by the

1 [State Armory Board] board, to be used by units of Pennsylvania
2 military forces, the Pennsylvania National Guard or the
3 Pennsylvania Guard assigned to [said] the armory, until such
4 time as the [Pennsylvania National Guard] unit or organization
5 returns.

6 (b) Reassignment and disposition.--If, upon the
7 reorganization of the Pennsylvania National Guard following a
8 war or emergency, the organization is not reorganized or is
9 assigned to another location within this Commonwealth, then the
10 property in question becomes the property of the Commonwealth to
11 assign, reassign and dispose of as the [State Armory Board]
12 board, in consultation with the Adjutant General, may decide or
13 direct.

14 § 1511. State Treasury Armory Fund.

15 (a) Establishment.--There is [hereby] established in the
16 State Treasury a special revenue fund to be known as the State
17 Treasury Armory Fund. The proceeds from the sale of [any armory
18 building, armory site or other real estate used for the State
19 military forces] armories, the proceeds from the sale or lease
20 of timber or other mineral rights at [Fort Indiantown Gap or at
21 any other real estate used for the State military forces]
22 armories and the proceeds from the rental or lease of [any State
23 armories or other facilities used by the State military forces]
24 armories shall be deposited in the [State Treasury Armory Fund]
25 fund.

26 (b) Appropriation.--[Moneys in the State Treasury Armory
27 Fund are hereby] Money in the fund is appropriated to the
28 [Department of Military Affairs] department in [such] amounts
29 [as may be] determined annually by the Governor to be used for
30 the purposes specified in [subsections (c) and (d)] subsection

1 (d).

2 [(c) Augmentation to department.--An amount equal to the
3 1988-1989 rental revenues shall be provided to the department
4 each year from the State Treasury Armory Fund.]

5 (d) Expenditures from [State Treasury Armory Fund] fund.--
6 The department may expend [moneys from the State Treasury Armory
7 Fund] money from the fund for the following purposes:

8 (1) Purchase of equipment, furniture and fixtures for
9 [State armories and other structures and facilities to be
10 utilized by the Pennsylvania National Guard] armories.

11 (2) Essential repairs and maintenance of [State armories
12 and other structures and facilities to be utilized by the
13 Pennsylvania National Guard] armories.

14 (3) Purchase or rental of lands, buildings or facilities
15 for use as [State armories] armories.

16 (4) Construction of new [armories and other structures
17 and facilities to be utilized by the Pennsylvania National
18 Guard] armories.

19 (5) Support of environmental projects and programs at
20 [Fort Indiantown Gap, any State armory or any other military
21 lands or facilities] armories.

22 § 1512. Maintenance, construction and repairs.

23 Notwithstanding the provisions of any other law to the
24 contrary, the [Armory Board] board may carry out all maintenance
25 activities with respect to an armory if the cost does not exceed
26 \$100,000 and may carry out contracts for repair or construction
27 of armories [and other State-owned buildings or facilities under
28 the jurisdiction of the department] up to an amount of \$100,000.

29 Section 9. This act shall take effect in 60 days.