

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1047 Session of 2022

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

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 15, 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 AMENDING TITLE 51 (MILITARY AFFAIRS) OF THE PENNSYLVANIA <--  
19 CONSOLIDATED STATUTES, IN GENERAL PROVISIONS, FURTHER  
20 PROVIDING FOR DEFINITIONS; AND, IN STATE ARMORY BOARD,  
21 PROVIDING FOR DEFINITIONS, FURTHER PROVIDING FOR COMPOSITION  
22 AND GENERAL FUNCTIONS, FOR ERECTION OF ARMORIES AND FOR  
23 MANAGEMENT OF ARMORIES, PROVIDING FOR MANAGEMENT OF BUILDINGS  
24 AND STRUCTURES LOCATED AT FORT INDIANTOWN GAP AND FURTHER  
25 PROVIDING FOR PURCHASE OR LEASE OF GROUND FOR ARMORIES, FOR  
26 DONATION OF LAND BY POLITICAL SUBDIVISIONS, FOR DONATION OF  
27 PROPERTY AND SERVICES BY POLITICAL SUBDIVISIONS, FOR SALE OF  
28 UNUSABLE ARMORIES AND LAND, SALE OR LEASE OF TIMBER AND  
29 MINERAL RIGHTS, FOR PAYMENT OF ARMORY RENTALS BY  
30 COMMONWEALTH, FOR RENTAL OF ARMORIES, FOR PROPERTY IN

1 ARMORIES OF UNITS IN FEDERAL SERVICE, FOR STATE TREASURY  
2 ARMORY FUND AND FOR MAINTENANCE, CONSTRUCTION AND REPAIRS.

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

5 ~~Section 1. The definition of "armory" in section 102 of~~ <--  
6 ~~Title 51 of the Pennsylvania Consolidated Statutes is amended to~~  
7 ~~read:~~

8 ~~§ 102. Definitions.~~

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

14 ~~"Armory." Land, buildings and fixtures under the control of~~  
15 ~~the department that are either located at Fort Indiantown Gap or~~  
16 ~~are used for [housing elements of] housing, maintaining and~~  
17 ~~supporting the Pennsylvania military forces, the Pennsylvania~~  
18 ~~National Guard or the Pennsylvania Guard.~~

19 \* \* \*

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 Section 1501 of Title 51 is repealed:

21 ~~§ 1501. Composition and general functions.~~

22 ~~The State Armory Board shall consist of the Adjutant General,~~  
23 ~~who shall act as chairman, and eight members appointed by the~~  
24 ~~Adjutant General. Three of the members of the State Armory Board~~  
25 ~~appointed by the Adjutant General shall be members of the~~  
26 ~~Pennsylvania National Guard. The State Armory Board shall~~  
27 ~~exercise the powers, duties and provisions of this chapter. The~~  
28 ~~board shall appoint a secretary who need not be a member of the~~  
29 ~~board. It shall provide, equip, maintain, manage and regulate~~  
30 ~~armories for the use of the Pennsylvania military forces. It~~  
31 ~~may, with the approval of the Governor, accept gifts of land,~~

1 ~~with or without buildings thereon, to be used for military~~  
2 ~~purposes. The title to all such land shall be taken in the name~~  
3 ~~of the Commonwealth. It may also employ funds appropriated to it~~  
4 ~~to purchase, for armory purposes, any suitable buildings or~~  
5 ~~sites.~~†

6 Section 3. Title 51 is amended by adding sections to read:  
7 ~~§ 1501.1. Definitions.~~

8 ~~The following words and phrases when used in this chapter~~  
9 ~~shall have the meanings given to them in this section unless the~~  
10 ~~context clearly indicates otherwise:~~

11 ~~"Board." The State Armory Board established under this~~  
12 ~~chapter.~~

13 ~~"Fund." The State Treasury Armory Fund established under~~  
14 ~~section 1511 (relating to State Treasury Armory Fund).~~

15 ~~§ 1501.2. Composition and general functions.~~

16 ~~(a) Membership and chairperson.~~

17 ~~(1) The board shall consist of the Adjutant General or a~~  
18 ~~designee.~~

19 ~~(2) The department's deputy of the Office of Facilities~~  
20 ~~and Engineering shall be the chairperson of the board.~~

21 ~~(3) The chairperson shall designate a secretary of the~~  
22 ~~board who may not be a member of the board.~~

23 ~~(4) The Adjutant General shall appoint eight members to~~  
24 ~~the board, three of whom shall be members of the Pennsylvania~~  
25 ~~National Guard.~~

26 ~~(b) Powers. The board shall exercise the powers, duties and~~  
27 ~~provisions of this chapter.~~

28 ~~(c) Purposes.~~

29 ~~(1) The board shall provide, equip, maintain, manage and~~  
30 ~~regulate armories.~~

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

~~(3) The board, in consultation with the Adjutant General, may use money appropriated to the board to purchase, for armory purposes, suitable buildings or sites.~~

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

~~§ 1502. Erection of armories.~~

~~{The Armory Board is hereby empowered and directed to erect or provide anywhere within the limits of this Commonwealth, upon such terms and conditions as shall be decided upon by said Armory Board, armories for the use of the Pennsylvania National Guard. These armories shall be used for training assemblies, meetings and rendezvous purposes by the organizations of the Pennsylvania National Guard and, when organized, the Pennsylvania Guard.}~~

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

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

1 ~~§ 1503. Management of armories.~~

2 ~~{The Armory Board shall constitute a board for the general~~  
3 ~~management and care of said armories, when established, and~~  
4 ~~shall have the power to adopt and prescribe rules and~~  
5 ~~regulations for their management and government, and formulate~~  
6 ~~such rules for the guidance of the organization occupying them~~  
7 ~~as may be necessary and desirable.}~~ The board, in consultation  
8 with the Adjutant General, shall adopt and prescribe rules and  
9 regulations as necessary for the management, operation and  
10 naming of armories and for the guidance of the organization  
11 occupying the armories.

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

13 ~~§ 1503.1. Management of buildings and structures at Fort~~  
14 ~~Indiantown Gap.~~

15 The board, in consultation with the Adjutant General, may  
16 direct the administration and utilization of buildings or  
17 structures at Fort Indiantown Gap that are owned by this  
18 Commonwealth.

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

21 ~~§ 1504. Purchase or lease of ground for armories.~~

22 ~~{The Armory Board shall have full authority to purchase or~~  
23 ~~lease ground in the various localities throughout this~~  
24 ~~Commonwealth where it shall be deemed necessary to provide~~  
25 ~~armories. The ground in each instance shall be purchased or~~  
26 ~~leased in the name and for the use of the Commonwealth of~~  
27 ~~Pennsylvania, and upon the ground so purchased or leased, the~~  
28 ~~Armory Board is authorized and directed to erect an armory or~~  
29 ~~use said land for the benefit of the Pennsylvania military~~  
30 ~~forces. When such armory or armories are erected or provided,~~

~~the said Armory Board shall have charge thereof and arrange for its occupancy and use, under the direction and responsibility of the senior officer in command of the using unit or organization.]~~

~~(a) Authority. Utilizing money appropriated to the board, the board, in consultation with the Adjutant General, may purchase or lease ground in this Commonwealth where deemed necessary to provide armories. The ground purchased or leased under this subsection shall be in the name and for the use of the Commonwealth.~~

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

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

~~§ 1505. Donation of land by political subdivisions.~~

~~It shall be lawful for any county, city, borough, town or township to acquire by purchase or by gift, or by the right of eminent domain, any land [for the use of the Pennsylvania National Guard,] to be used as an armory, and to convey such lands so acquired to the Commonwealth of Pennsylvania. The proceedings for the condemnation of lands under the provisions of this chapter and for the assessment of damages for the~~

1 ~~property taken, injured or destroyed shall be taken in the same~~  
2 ~~manner as is now provided by 26 Pa.C.S. (relating to eminent~~  
3 ~~domain).~~

4 ~~§ 1506. Donation of property and services by political~~  
5 ~~subdivisions.~~

6 ~~(a) General rule. Any political subdivision of this~~  
7 ~~Commonwealth is hereby authorized and empowered, either~~  
8 ~~independently or in connection with any other political~~  
9 ~~subdivision of this Commonwealth, to provide and appropriate~~  
10 ~~moneys or convey land to the Commonwealth [of Pennsylvania] to~~  
11 ~~assist the [Armory Board] board in the erection of armories for~~  
12 ~~the use of the Pennsylvania National Guard. Any political~~  
13 ~~subdivision may furnish water, light or fuel, either or all,~~  
14 ~~free of cost to the Commonwealth [of Pennsylvania], for use in~~  
15 ~~any armory of the Pennsylvania National Guard, and to do all~~  
16 ~~things necessary to accomplish the purpose of this chapter.~~

17 ~~(b) Authority of government units. The [Armory Board]~~  
18 ~~board, in consultation with the Adjutant General, shall have~~  
19 ~~power to receive from any political subdivisions or other~~  
20 ~~sources, donations of land, or contributions of money, to aid in~~  
21 ~~providing or erecting armories throughout this Commonwealth [for~~  
22 ~~the use of the Pennsylvania National Guard and] which shall be~~  
23 ~~held as other property for the use of the Commonwealth [of~~  
24 ~~Pennsylvania. Such political subdivisions are hereby authorized~~  
25 ~~to]. The political subdivisions may make [such] donations or~~  
26 ~~contributions for the purpose of this chapter.~~

27 ~~§ 1507. Sale of unusable armories and land; sale or lease of~~  
28 ~~timber and mineral rights.~~

29 ~~(a) General rule.—~~

30 ~~(1) Whenever, in the opinion of the [Armory Board]~~

1 ~~Adjutant General, any armory building, armory site, or other~~  
2 ~~real estate owned by the Commonwealth is no longer suitable~~  
3 ~~for military services due to change in population or to the~~  
4 ~~needs of the military service, the board, upon approval of~~  
5 ~~the Adjutant General, may sell the property in accordance~~  
6 ~~with law.~~

7 ~~(2) Whenever, in the opinion of the [Armory Board]~~  
8 ~~Adjutant General, timber or other mineral rights at Fort~~  
9 ~~Indiantown Gap, any State armory or any other military lands~~  
10 ~~or facilities may be sold or leased without disruption of the~~  
11 ~~usual military purposes of the property and without undue~~  
12 ~~adverse impact upon the local environment, the board, upon~~  
13 ~~approval of the Adjutant General, may sell or lease the~~  
14 ~~rights in accordance with law.~~

15 ~~(b) Disposition of proceeds. All money derived from sale of~~  
16 ~~property under subsection (a) (1) or from sale or lease of rights~~  
17 ~~under subsection (a) (2) shall be paid into the [State Treasury~~  
18 ~~Armory Fund] fund.~~

19 ~~§ 1508. Payment of armory rentals by Commonwealth.~~

20 ~~The annual rental of all armories and buildings not owned by~~  
21 ~~the Commonwealth and occupied by any organization, shall be paid~~  
22 ~~by the State Treasurer in the manner provided by law. All~~  
23 ~~payments for light, heat, water and janitor services in rented~~  
24 ~~armories and buildings shall be made by the [Department of~~  
25 ~~Military Affairs] department upon properly itemized vouchers,~~  
26 ~~except where such services are furnished by the landlord under~~  
27 ~~the rental contract.~~

28 ~~§ 1509. Rental and lease of armories.~~

29 ~~[The State Armory Board may issue such rules and regulations~~  
30 ~~for the rental of armories for non military purposes to~~

~~responsible persons or organizations at scheduled rates approved by the State Armory Board. Notwithstanding any other provision of law, said rentals shall be payable to the State Treasury Armory Fund.] The board, in consultation with the Adjutant~~

~~General, may rent or lease an armory, subject to the following:~~

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

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

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

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

~~Section 7. Title 51 is amended by adding a section to read: § 1509.1. Rental and lease at Fort Indiantown Gap.~~

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

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

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

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

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

~~Section 8. Sections 1510, 1511 and 1512 of Title 51 are~~

1 ~~amended to read:~~

2 ~~§ 1510. Property in armories of units in Federal service.~~

3 ~~(a) Custody and use. When units of the Pennsylvania~~  
4 ~~National Guard are called or ordered into the service of the~~  
5 ~~United States, all furniture, permanent property and equipment~~  
6 ~~located in [their] the respective armories, purchased from State~~  
7 ~~or municipal funds, or donated to the unit from private sources,~~  
8 ~~will be left in the armory and will be taken into custody by the~~  
9 ~~[State Armory Board] board, to be used by units of Pennsylvania~~  
10 ~~military forces, the Pennsylvania National Guard or the~~  
11 ~~Pennsylvania Guard assigned to [said] the armory, until such~~  
12 ~~time as the [Pennsylvania National Guard] unit or organization~~  
13 ~~returns.~~

14 ~~(b) Reassignment and disposition. If, upon the~~  
15 ~~reorganization of the Pennsylvania National Guard following a~~  
16 ~~war or emergency, the organization is not reorganized or is~~  
17 ~~assigned to another location within this Commonwealth, then the~~  
18 ~~property in question becomes the property of the Commonwealth to~~  
19 ~~assign, reassign and dispose of as the [State Armory Board]~~  
20 ~~board, in consultation with the Adjutant General, may decide or~~  
21 ~~direct.~~

22 ~~§ 1511. State Treasury Armory Fund.~~

23 ~~(a) Establishment. There is [hereby] established in the~~  
24 ~~State Treasury a special revenue fund to be known as the State~~  
25 ~~Treasury Armory Fund. The proceeds from the sale of [any armory~~  
26 ~~building, armory site or other real estate used for the State~~  
27 ~~military forces] armories, the proceeds from the sale or lease~~  
28 ~~of timber or other mineral rights at [Fort Indiantown Gap or at~~  
29 ~~any other real estate used for the State military forces]~~  
30 ~~armories and the proceeds from the rental or lease of [any State~~

1 ~~armories or other facilities used by the State military forces]~~  
2 ~~armories shall be deposited in the [State Treasury Armory Fund]~~  
3 ~~fund.~~

4 ~~(b) Appropriation. [Moneys in the State Treasury Armory~~  
5 ~~Fund are hereby] Money in the fund is appropriated to the~~  
6 ~~[Department of Military Affairs] department in [such] amounts~~  
7 ~~[as may be] determined annually by the Governor to be used for~~  
8 ~~the purposes specified in [subsections (c) and (d)] subsection~~  
9 ~~(d).~~

10 ~~[(c) Augmentation to department. An amount equal to the~~  
11 ~~1988-1989 rental revenues shall be provided to the department~~  
12 ~~each year from the State Treasury Armory Fund.]~~

13 ~~(d) Expenditures from [State Treasury Armory Fund] fund.~~  
14 ~~The department may expend [moneys from the State Treasury Armory~~  
15 ~~Fund] money from the fund for the following purposes:~~

16 ~~(1) Purchase of equipment, furniture and fixtures for~~  
17 ~~[State armories and other structures and facilities to be~~  
18 ~~utilized by the Pennsylvania National Guard] armories.~~

19 ~~(2) Essential repairs and maintenance of [State armories~~  
20 ~~and other structures and facilities to be utilized by the~~  
21 ~~Pennsylvania National Guard] armories.~~

22 ~~(3) Purchase or rental of lands, buildings or facilities~~  
23 ~~for use as [State armories] armories.~~

24 ~~(4) Construction of new [armories and other structures~~  
25 ~~and facilities to be utilized by the Pennsylvania National~~  
26 ~~Guard] armories.~~

27 ~~(5) Support of environmental projects and programs at~~  
28 ~~[Fort Indiantown Gap, any State armory or any other military~~  
29 ~~lands or facilities] armories.~~

30 ~~§ 1512. Maintenance, construction and repairs.~~

1       ~~Notwithstanding the provisions of any other law to the~~  
2 ~~contrary, the [Armory Board] board may carry out all maintenance~~  
3 ~~activities with respect to an armory if the cost does not exceed~~  
4 ~~\$100,000 and may carry out contracts for repair or construction~~  
5 ~~of armories [and other State owned buildings or facilities under~~  
6 ~~the jurisdiction of the department] up to an amount of \$100,000.~~

7       ~~Section 9. This act shall take effect in 60 days.~~

8       SECTION 1. THE DEFINITION OF "ARMORY" 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       "ARMORY." [LAND, BUILDINGS AND FIXTURES USED FOR HOUSING  
18 ELEMENTS OF THE PENNSYLVANIA MILITARY FORCES.] AS FOLLOWS:

19       (1) LAND, BUILDINGS AND FIXTURES UNDER THE CONTROL OF  
20 THE DEPARTMENT, WHICH ARE USED FOR HOUSING, MAINTAINING AND  
21 SUPPORTING THE PENNSYLVANIA MILITARY FORCES, THE PENNSYLVANIA  
22 NATIONAL GUARD OR THE PENNSYLVANIA GUARD.

23       (2) THE TERM INCLUDES LAND, BUILDINGS AND FIXTURES AT  
24 FORT INDIANTOWN GAP, WHICH ARE USED FOR THE PURPOSES  
25 SPECIFIED UNDER PARAGRAPH (1).

26       \* \* \*

27       SECTION 2. TITLE 51 IS AMENDED BY ADDING A SECTION TO READ:  
28 § 1500. 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 SECTION 3. SECTIONS 1501, 1502 AND 1503 OF TITLE 51 ARE  
7 AMENDED TO READ:

8 § 1501. COMPOSITION AND GENERAL FUNCTIONS.

9 THE [STATE ARMORY BOARD] BOARD SHALL CONSIST OF THE ADJUTANT  
10 GENERAL, WHO SHALL ACT AS [CHAIRMAN] CHAIRPERSON, AND EIGHT  
11 MEMBERS APPOINTED BY THE ADJUTANT GENERAL. THREE OF THE MEMBERS  
12 OF THE [STATE ARMORY BOARD] BOARD APPOINTED BY THE ADJUTANT  
13 GENERAL SHALL BE MEMBERS OF THE PENNSYLVANIA NATIONAL GUARD. THE  
14 [STATE ARMORY BOARD] BOARD SHALL EXERCISE THE POWERS, DUTIES AND  
15 PROVISIONS OF THIS CHAPTER. THE [BOARD] CHAIRPERSON SHALL  
16 APPOINT A SECRETARY WHO NEED NOT BE A MEMBER OF THE BOARD. [IT]  
17 THE BOARD SHALL PROVIDE, EQUIP, MAINTAIN, MANAGE AND REGULATE  
18 [ARMORIES FOR THE USE OF THE PENNSYLVANIA MILITARY FORCES. IT]  
19 ARMORIES. THE BOARD MAY, WITH THE APPROVAL OF THE GOVERNOR,  
20 ACCEPT GIFTS OF LAND, WITH OR WITHOUT BUILDINGS THEREON, TO BE  
21 USED FOR [MILITARY] ARMORY PURPOSES OR AS ADDITIONS FOR FORT  
22 INDIANTOWN GAP. THE TITLE TO ALL SUCH LAND SHALL BE TAKEN IN THE  
23 NAME OF THE COMMONWEALTH. [IT] THE BOARD MAY ALSO EMPLOY [FUNDS]  
24 MONEY APPROPRIATED TO IT TO PURCHASE, FOR ARMORY PURPOSES, ANY  
25 SUITABLE BUILDINGS OR SITES.

26 § 1502. ERECTION OF ARMORIES.

27 THE [ARMORY BOARD IS HEREBY EMPOWERED AND DIRECTED TO] BOARD  
28 MAY, WITH MONEY APPROPRIATED TO IT FROM THE FUND, ERECT OR  
29 PROVIDE ARMORIES ANYWHERE WITHIN THE LIMITS OF THIS  
30 COMMONWEALTH, UPON [SUCH] THE TERMS AND CONDITIONS AS SHALL BE

1 DECIDED UPON BY [SAID ARMORY BOARD, ARMORIES FOR THE USE OF THE  
2 PENNSYLVANIA NATIONAL GUARD] THE BOARD. THESE ARMORIES SHALL BE  
3 USED [FOR] TO STORE AND MAINTAIN PROPERTY AND SUPPORT TRAINING  
4 ASSEMBLIES, MEETINGS AND RENDEZVOUS PURPOSES BY THE  
5 ORGANIZATIONS OF THE PENNSYLVANIA MILITARY FORCES, THE  
6 PENNSYLVANIA NATIONAL GUARD AND[, WHEN ORGANIZED,] THE  
7 PENNSYLVANIA GUARD.

8 § 1503. MANAGEMENT OF ARMORIES.

9 THE [ARMORY BOARD] BOARD SHALL CONSTITUTE A BOARD FOR THE  
10 GENERAL MANAGEMENT AND CARE OF [SAID] ARMORIES, WHEN  
11 ESTABLISHED, AND SHALL HAVE THE POWER TO ADOPT AND PRESCRIBE  
12 RULES AND REGULATIONS FOR [THEIR MANAGEMENT AND GOVERNMENT, AND  
13 FORMULATE SUCH RULES] THE MANAGEMENT, OPERATION AND NAMING OF  
14 ARMORIES AND FOR THE GUIDANCE OF THE ORGANIZATION OCCUPYING THEM  
15 AS MAY BE NECESSARY AND DESIRABLE.

16 SECTION 4. TITLE 51 IS AMENDED BY ADDING A SECTION TO READ:

17 § 1503.1. MANAGEMENT OF BUILDINGS AND STRUCTURES LOCATED AT  
18 FORT INDIANTOWN GAP.

19 THE BOARD IS AUTHORIZED TO DIRECT THE ADMINISTRATION AND  
20 UTILIZATION OF ANY BUILDING OR STRUCTURE AT FORT INDIANTOWN GAP  
21 THAT IS OWNED OR CONTROLLED BY THE COMMONWEALTH.

22 SECTION 5. SECTIONS 1504, 1505, 1506, 1507, 1508, 1509,  
23 1510, 1511 AND 1512 OF TITLE 51 ARE AMENDED TO READ:

24 § 1504. PURCHASE OR LEASE OF GROUND FOR ARMORIES.

25 THE [ARMORY BOARD SHALL HAVE FULL AUTHORITY TO] BOARD MAY,  
26 WITH MONEY APPROPRIATED TO IT FROM THE FUND, PURCHASE OR LEASE  
27 GROUND IN THE VARIOUS LOCALITIES THROUGHOUT THIS COMMONWEALTH  
28 WHERE IT SHALL BE DEEMED NECESSARY TO PROVIDE ARMORIES. THE  
29 FOLLOWING APPLY:

30 (1) THE GROUND IN EACH INSTANCE SHALL BE PURCHASED OR

1 LEASED IN THE NAME AND FOR THE USE OF THE COMMONWEALTH OF  
2 PENNSYLVANIA, AND UPON THE GROUND SO PURCHASED OR LEASED, THE  
3 [ARMORY BOARD] BOARD IS AUTHORIZED AND DIRECTED TO ERECT AN  
4 ARMORY OR USE [SAID] THE LAND FOR THE BENEFIT OF THE  
5 PENNSYLVANIA MILITARY FORCES, THE PENNSYLVANIA NATIONAL GUARD  
6 AND THE PENNSYLVANIA GUARD.

7 (2) WHEN [SUCH ARMORY OR ARMORIES ARE ERECTED OR  
8 PROVIDED, THE SAID ARMORY BOARD SHALL HAVE CHARGE THEREOF AND  
9 ARRANGE FOR ITS OCCUPANCY AND USE,] ERECTING OR PROVIDING  
10 ARMORIES, THE BOARD SHALL INFORM THE ADJUTANT GENERAL OF THE  
11 AVAILABILITY OF AN ARMORY FOR OCCUPANCY AND USE. THE ADJUTANT  
12 GENERAL SHALL SET A TIMELINE FOR THE UNIT TO OCCUPY THE  
13 ARMORY UNDER THE DIRECTION AND RESPONSIBILITY OF THE SENIOR  
14 OFFICER IN COMMAND OF THE [USING] UNIT OR ORGANIZATION  
15 OCCUPYING THE ARMORY.

16 § 1505. DONATION OF LAND BY POLITICAL SUBDIVISIONS.

17 IT SHALL BE LAWFUL FOR ANY COUNTY, CITY, BOROUGH, TOWN OR  
18 TOWNSHIP TO ACQUIRE BY PURCHASE OR BY GIFT, OR BY THE RIGHT OF  
19 EMINENT DOMAIN, ANY LAND [FOR THE USE OF THE PENNSYLVANIA  
20 NATIONAL GUARD,] TO BE USED FOR AN ARMORY AND TO CONVEY [SUCH]  
21 THE LANDS [SO] ACQUIRED TO THE COMMONWEALTH OF PENNSYLVANIA. THE  
22 PROCEEDINGS FOR THE CONDEMNATION OF LANDS UNDER THE PROVISIONS  
23 OF THIS CHAPTER AND FOR THE ASSESSMENT OF DAMAGES FOR THE  
24 PROPERTY TAKEN, INJURED OR DESTROYED SHALL BE TAKEN IN THE SAME  
25 MANNER AS [IS NOW] PROVIDED BY 26 PA.C.S. (RELATING TO EMINENT  
26 DOMAIN).

27 § 1506. DONATION OF PROPERTY AND SERVICES BY POLITICAL  
28 SUBDIVISIONS.

29 (A) GENERAL RULE.--ANY POLITICAL SUBDIVISION OF THIS  
30 COMMONWEALTH IS HEREBY AUTHORIZED AND EMPOWERED, EITHER

1 INDEPENDENTLY OR IN CONNECTION WITH ANY OTHER POLITICAL  
2 SUBDIVISION OF THIS COMMONWEALTH, TO PROVIDE AND APPROPRIATE  
3 [MONEYS] MONEY OR CONVEY LAND TO THE COMMONWEALTH OF  
4 PENNSYLVANIA TO ASSIST THE [ARMORY BOARD] BOARD IN THE ERECTION  
5 OF ARMORIES [FOR THE USE OF THE PENNSYLVANIA NATIONAL GUARD].  
6 ANY POLITICAL SUBDIVISION MAY FURNISH WATER, LIGHT OR FUEL,  
7 EITHER OR ALL, FREE OF COST TO THE COMMONWEALTH OF PENNSYLVANIA,  
8 FOR USE IN ANY ARMORY [OF THE PENNSYLVANIA NATIONAL GUARD], AND  
9 TO DO ALL THINGS NECESSARY TO ACCOMPLISH THE PURPOSE OF THIS  
10 CHAPTER.

11 (B) AUTHORITY OF GOVERNMENT UNITS.--THE [ARMORY BOARD] BOARD  
12 SHALL HAVE POWER TO RECEIVE FROM ANY POLITICAL SUBDIVISIONS OR  
13 OTHER SOURCES, DONATIONS OF LAND, OR CONTRIBUTIONS OF MONEY, TO  
14 AID IN PROVIDING OR ERECTING ARMORIES THROUGHOUT THIS  
15 COMMONWEALTH [FOR THE USE OF THE PENNSYLVANIA NATIONAL GUARD  
16 AND], WHICH SHALL BE HELD AS OTHER PROPERTY FOR THE USE OF THE  
17 COMMONWEALTH OF PENNSYLVANIA. [SUCH] THE POLITICAL SUBDIVISIONS  
18 ARE HEREBY AUTHORIZED TO MAKE [SUCH] DONATIONS OR CONTRIBUTIONS  
19 FOR THE PURPOSE OF THIS CHAPTER.

20 § 1507. SALE OF UNUSABLE ARMORIES AND LAND; SALE OR LEASE OF  
21 TIMBER AND MINERAL RIGHTS.

22 (A) GENERAL RULE.--

23 (1) [WHENEVER, IN THE OPINION OF THE ARMORY BOARD, ANY  
24 ARMORY BUILDING, ARMORY SITE, OR OTHER REAL ESTATE] WHEN THE  
25 BOARD DETERMINES THAT AN ARMORY OR ARMORY SITE OWNED BY THE  
26 COMMONWEALTH IS NO LONGER SUITABLE FOR MILITARY SERVICES DUE  
27 TO CHANGE IN POPULATION OR TO THE NEEDS OF THE [MILITARY  
28 SERVICE] PENNSYLVANIA MILITARY FORCES, THE PENNSYLVANIA  
29 NATIONAL GUARD AND THE PENNSYLVANIA GUARD, THE BOARD MAY SELL  
30 THE PROPERTY IN ACCORDANCE WITH [LAW] THE LAWS OF THIS

1 COMMONWEALTH.

2 (2) [WHENEVER, IN THE OPINION OF THE ARMORY BOARD,] WHEN  
3 THE BOARD DETERMINES THAT TIMBER OR OTHER MINERAL RIGHTS AT  
4 FORT INDIANTOWN GAP[, ANY STATE ARMORY OR ANY OTHER MILITARY  
5 LANDS OR FACILITIES] OR ANY ARMORY MAY BE SOLD OR LEASED  
6 WITHOUT DISRUPTION OF THE USUAL MILITARY PURPOSES OF THE  
7 PROPERTY AND WITHOUT UNDUE ADVERSE IMPACT UPON THE LOCAL  
8 ENVIRONMENT, THE BOARD MAY SELL OR LEASE THE RIGHTS IN  
9 ACCORDANCE WITH [LAW] THE LAWS OF THIS COMMONWEALTH.

10 (B) DISPOSITION OF PROCEEDS.--ALL MONEY DERIVED FROM SALE OF  
11 PROPERTY UNDER SUBSECTION (A) (1) OR FROM SALE OR LEASE OF RIGHTS  
12 UNDER SUBSECTION (A) (2) SHALL BE PAID INTO THE [STATE TREASURY  
13 ARMORY FUND] FUND.

14 § 1508. PAYMENT OF ARMORY RENTALS BY COMMONWEALTH.

15 THE ANNUAL RENTAL OF ALL ARMORIES AND BUILDINGS NOT OWNED BY  
16 THE COMMONWEALTH AND OCCUPIED BY ANY ORGANIZATION OF THE  
17 PENNSYLVANIA MILITARY FORCES, THE PENNSYLVANIA NATIONAL GUARD  
18 AND THE PENNSYLVANIA GUARD, SHALL BE PAID BY THE STATE TREASURER  
19 IN THE MANNER PROVIDED BY LAW. ALL PAYMENTS FOR LIGHT, HEAT,  
20 WATER AND JANITOR SERVICES IN RENTED ARMORIES AND BUILDINGS  
21 SHALL BE MADE BY THE [DEPARTMENT OF MILITARY AFFAIRS] DEPARTMENT  
22 UPON PROPERLY ITEMIZED VOUCHERS, EXCEPT WHERE [SUCH] THE  
23 SERVICES ARE FURNISHED BY THE LANDLORD UNDER THE RENTAL  
24 CONTRACT.

25 § 1509. RENTAL OR LEASE OF ARMORIES AND OF BUILDINGS OR  
26 STRUCTURES AT FORT INDIANTOWN GAP.

27 [THE STATE ARMORY BOARD MAY ISSUE SUCH RULES AND REGULATIONS  
28 FOR THE RENTAL OF ARMORIES FOR NON-MILITARY PURPOSES TO  
29 RESPONSIBLE PERSONS OR ORGANIZATIONS AT SCHEDULED RATES APPROVED  
30 BY THE STATE ARMORY BOARD. NOTWITHSTANDING ANY OTHER PROVISION

1 OF LAW, SAID RENTALS SHALL BE PAYABLE TO THE STATE TREASURY  
2 ARMORY FUND.]

3 (A) RENTAL OR LEASE OF ARMORIES.--THE BOARD IS AUTHORIZED TO  
4 RENT OR LEASE ARMORIES AND MAY ISSUE RULES AND REGULATIONS FOR  
5 THE RENTAL OR LEASE OF ARMORIES TO RESPONSIBLE PERSONS OR  
6 ORGANIZATIONS AT SCHEDULED RATES APPROVED BY THE BOARD. THE  
7 FOLLOWING APPLY:

8 (1) THE ADJUTANT GENERAL MAY AUTHORIZE A RENTAL OR LEASE  
9 FEE WAIVER TO GOVERNMENTAL AND NONPROFIT ORGANIZATIONS.

10 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A RENTAL  
11 OR LEASE FEE SHALL BE PAYABLE TO THE FUND.

12 (3) A LEASE EXECUTED UNDER THIS SUBSECTION MAY ONLY BE  
13 FOR A TERM OF NOT MORE THAN FIVE YEARS.

14 (B) RENTAL OR LEASE OF BUILDINGS OR STRUCTURES AT FORT  
15 INDIANTOWN GAP.--THE BOARD IS AUTHORIZED TO RENT OR LEASE ANY  
16 BUILDING OR STRUCTURE LOCATED AT FORT INDIANTOWN GAP, WHICH IS  
17 OWNED OR CONTROLLED BY THE DEPARTMENT, AND MAY ISSUE RULES AND  
18 REGULATIONS FOR THE RENTAL OR LEASE OF THE BUILDING OR STRUCTURE  
19 TO ORGANIZATIONS OR ENTITIES THAT SUPPORT THE MISSION OF THE  
20 DEPARTMENT AT SCHEDULED RATES APPROVED BY THE BOARD. THE  
21 FOLLOWING APPLY:

22 (1) THE ADJUTANT GENERAL MAY AUTHORIZE A RENTAL OR LEASE  
23 FEE WAIVER TO GOVERNMENTAL AND NONPROFIT ORGANIZATIONS.

24 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A RENTAL  
25 OR LEASE FEE SHALL BE PAYABLE TO THE FUND.

26 (3) A LEASE EXECUTED UNDER THIS SUBSECTION MAY ONLY BE  
27 FOR A TERM OF NOT MORE THAN FIVE YEARS.

28 § 1510. PROPERTY IN ARMORIES OF UNITS IN FEDERAL SERVICE.

29 (A) CUSTODY AND USE.--WHEN UNITS OF THE PENNSYLVANIA  
30 NATIONAL GUARD ARE CALLED OR ORDERED INTO THE SERVICE OF THE

1 UNITED STATES, ALL FURNITURE, PERMANENT PROPERTY AND EQUIPMENT  
2 LOCATED IN THEIR RESPECTIVE ARMORIES, PURCHASED FROM STATE OR  
3 MUNICIPAL FUNDS, OR DONATED TO THE UNIT FROM PRIVATE SOURCES,  
4 WILL BE LEFT IN THE ARMORY AND WILL BE TAKEN INTO CUSTODY BY THE  
5 [STATE ARMORY BOARD] BOARD, TO BE USED BY UNITS OF THE  
6 PENNSYLVANIA MILITARY FORCES, THE PENNSYLVANIA NATIONAL GUARD  
7 AND THE PENNSYLVANIA GUARD ASSIGNED TO [SAID] THE ARMORY, UNTIL  
8 SUCH TIME AS THE PENNSYLVANIA NATIONAL GUARD UNIT OR  
9 ORGANIZATION RETURNS.

10 (B) REASSIGNMENT AND DISPOSITION.--IF, UPON THE  
11 REORGANIZATION OF THE PENNSYLVANIA NATIONAL GUARD FOLLOWING A  
12 WAR OR EMERGENCY, THE ORGANIZATION IS NOT REORGANIZED OR IS  
13 ASSIGNED TO ANOTHER LOCATION WITHIN THIS COMMONWEALTH, THEN THE  
14 PROPERTY IN QUESTION BECOMES THE PROPERTY OF THE COMMONWEALTH TO  
15 ASSIGN, REASSIGN AND DISPOSE OF AS THE [STATE ARMORY BOARD]  
16 BOARD MAY DECIDE OR DIRECT.  
17 § 1511. STATE TREASURY ARMORY FUND.

18 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED IN THE STATE  
19 TREASURY A SPECIAL REVENUE FUND TO BE KNOWN AS THE STATE  
20 TREASURY ARMORY FUND. THE PROCEEDS FROM THE SALE OF ANY ARMORY  
21 [BUILDING, ARMORY SITE OR OTHER REAL ESTATE USED FOR THE STATE  
22 MILITARY FORCES], THE PROCEEDS FROM THE SALE OR LEASE OF TIMBER  
23 OR OTHER MINERAL RIGHTS AT FORT INDIANTOWN GAP OR AT ANY [OTHER  
24 REAL ESTATE USED FOR THE STATE MILITARY FORCES] ARMORY, THE  
25 PROCEEDS FROM ANY RENTAL OR LEASE OF ANY FACILITY AT FORT  
26 INDIANTOWN GAP AND THE PROCEEDS FROM THE RENTAL OR LEASE OF ANY  
27 [STATE ARMORIES OR OTHER FACILITIES USED BY THE STATE MILITARY  
28 FORCES] ARMORY SHALL BE DEPOSITED IN THE [STATE TREASURY ARMORY  
29 FUND] FUND.

30 (B) APPROPRIATION.--[MONEYS IN THE STATE TREASURY ARMORY

1 FUND ARE HEREBY APPROPRIATED TO THE DEPARTMENT OF MILITARY  
2 AFFAIRS IN SUCH] MONEY IN THE FUND IS HEREBY APPROPRIATED TO THE  
3 DEPARTMENT IN AMOUNTS AS MAY BE DETERMINED ANNUALLY BY THE  
4 GOVERNOR TO BE USED FOR THE PURPOSES SPECIFIED IN [SUBSECTIONS  
5 (C) AND (D)] SUBSECTION (D).

6 [(C) AUGMENTATION TO DEPARTMENT.--AN AMOUNT EQUAL TO THE  
7 1988-1989 RENTAL REVENUES SHALL BE PROVIDED TO THE DEPARTMENT  
8 EACH YEAR FROM THE STATE TREASURY ARMORY FUND.]

9 (D) EXPENDITURES FROM STATE TREASURY ARMORY FUND.--THE  
10 DEPARTMENT MAY EXPEND [MONEYS] MONEY FROM THE [STATE TREASURY  
11 ARMORY FUND] FUND FOR THE FOLLOWING PURPOSES:

12 (1) PURCHASE OF EQUIPMENT, FURNITURE AND FIXTURES FOR  
13 [STATE] ARMORIES [AND OTHER STRUCTURES AND FACILITIES TO BE  
14 UTILIZED BY THE PENNSYLVANIA NATIONAL GUARD].

15 (2) ESSENTIAL REPAIRS AND MAINTENANCE OF [STATE]  
16 ARMORIES [AND OTHER STRUCTURES AND FACILITIES TO BE UTILIZED  
17 BY THE PENNSYLVANIA NATIONAL GUARD].

18 (3) PURCHASE OR RENTAL OF LANDS, BUILDINGS OR FACILITIES  
19 FOR USE AS [STATE] ARMORIES.

20 (4) CONSTRUCTION OF NEW ARMORIES [AND OTHER STRUCTURES  
21 AND FACILITIES TO BE UTILIZED BY THE PENNSYLVANIA NATIONAL  
22 GUARD].

23 (5) SUPPORT OF ENVIRONMENTAL PROJECTS AND PROGRAMS AT  
24 FORT INDIANTOWN GAP[, ANY STATE ARMORY OR ANY OTHER MILITARY  
25 LANDS OR FACILITIES] OR ANY ARMORY.

26 § 1512. MAINTENANCE, CONSTRUCTION AND REPAIRS.

27 NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW [TO THE  
28 CONTRARY, THE ARMORY BOARD], THE BOARD MAY CARRY OUT ALL  
29 MAINTENANCE ACTIVITIES WITH RESPECT TO AN ARMORY IF THE COST  
30 DOES NOT EXCEED \$100,000 AND MAY CARRY OUT CONTRACTS FOR REPAIR

1 OR CONSTRUCTION OF ARMORIES [AND OTHER STATE-OWNED BUILDINGS OR  
2 FACILITIES UNDER THE JURISDICTION OF THE DEPARTMENT] UP TO AN  
3 AMOUNT OF \$100,000.

4 SECTION 6. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.