

No. 1986-133

AN ACT

HB 124

Creating the Pennsylvania Veterans' Memorial Commission; prescribing duties; providing for a Pennsylvania Veterans' Memorial; establishing a fund; and making a general repeal.

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

Section 1. Short title.

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

Section 2. 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.

Section 3. Definitions.

The following words and phrases when used in this act 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 act.

"Fund." The Pennsylvania Veterans' Memorial Trust Fund established by this act.

Section 4. Pennsylvania Veterans' Memorial Commission.

(a) Establishment.—There is hereby established the Pennsylvania Veterans' Memorial Commission to erect on the grounds of the Indiantown Gap National Cemetery an appropriately patriotic and positive physical monument or memorial as a testament of appreciation from the Commonwealth to those Pennsylvania service persons who served in armed conflicts in which the United States was a participant.

(b) Composition of commission.—The commission shall be composed of the following:

(1) Two members of the Senate to be appointed by the President pro tempore of the Senate, one from the majority party and one from the minority party. Preference shall be given to honorably discharged veterans.

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

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

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

(5) One member, appointed by the Governor, who shall be an architect.

(6) Five members, appointed by the Governor, who shall be Pennsylvania veterans. At least one of these members shall be a woman.

(7) The Commander of the Pennsylvania War Veteran's Council, or his designee.

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

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

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

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

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

(13) One member, appointed by the Governor, who shall 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 paragraph (1), (2), (3), (4), (7), (8), (9), (10), (11) or (12) shall serve past the date of expiration of his or her respective 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 meet initially within 90 days after enactment of this act and 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 act.

(f) Expenses.—Commission members shall receive no compensation for their services but shall be reimbursed as hereinafter provided for all neces-

sary travel and other reasonable expenses incurred in connection with the performance of their duties as members of the commission.

Section 5. Duties of the commission.

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

- (1) To erect a physical monument to be located on the grounds of the Indiantown Gap National Cemetery honoring Pennsylvania veterans.
- (2) To receive for and on behalf of the Commonwealth, monetary gifts or bequests which shall be deposited in the fund.
- (3) To accept grants and subsidies from and enter into agreements or other transactions with any Federal agency or agency of the Commonwealth or other entity.
- (4) To enter into contracts and to execute all instruments necessary or convenient for carrying on its operations.
- (5) To issue appropriate regulations for the implementation of this act.
- (6) To do all other things necessary or convenient to carry out the powers granted to it by this act.

Section 6. Pennsylvania Veterans' Memorial Trust Fund.

(a) **Establishment and administration.**—There is hereby established a separate fund in the State Treasury to be known as the Pennsylvania Veterans' Memorial Trust Fund. The fund shall be administered by the commission, and all moneys in the fund are hereby appropriated to the commission on a continuing basis.

(b) **Purpose.**—The moneys in the fund shall be used:

- (1) For the selection, design and construction of an appropriate physical monument on the grounds of the Indiantown Gap National Cemetery and other costs incidental thereto.
- (2) For the payment of the necessary travel and other reasonable expenses incurred by members of the commission. No more than 0.5% of the fund shall be set aside for this purpose, with the remaining balance at the end of each fiscal year returned to the corpus of the fund.

(c) **Contributions and solicitation of funds.**—

- (1) The commission is hereby authorized:
 - (i) To accept, on behalf of the Commonwealth, gifts, donations, legacies and usages of money from individuals, organizations, public or private corporations and other similar entities.
 - (ii) To solicit and raise moneys from public and private sources.
- (2) All moneys received or raised under this subsection shall be paid into the State Treasury and credited to the fund.

Section 7. General repeal.

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

Section 8. Initial appointments.

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

Section 9. Expiration of act.

This act shall expire three years from the date of enactment unless it is sooner reenacted.

Section 10. Effective date.

This act shall take effect immediately.

APPROVED—The 9th day of October, A. D. 1986.

DICK THORNBURGH