

No. 1992-119

AN ACT

SB 1709

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the display of the POW/MIA flag at the western entrance of the Fort Pitt Tunnel in Allegheny County and for the Pennsylvania Veterans' Memorial Commission.

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

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

§ 512. Display of POW/MIA flag.

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

Section 2. Title 51 is amended by adding a chapter to read:

CHAPTER 19

PENNSYLVANIA VETERANS' MEMORIAL COMMISSION

Sec.

- 1901. Legislative findings.
- 1902. Definitions.
- 1903. Pennsylvania Veterans' Memorial Commission.
- 1904. Duties of commission.
- 1905. Pennsylvania Veterans' Memorial Trust Fund.
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§ 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 established by this chapter.

§ 1903. Pennsylvania Veterans’ Memorial Commission.

(a) Establishment.—There is 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 General Services, or a designee.

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

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

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

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

(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 department for all necessary travel and other reasonable expenses incurred in connection with the performance of their duties as members of the commission.

(g) **Administrative services.**—The department shall provide administrative staff, support and services to the commission on an ongoing basis.

§ 1904. **Duties of commission.**

In addition to other powers conferred by this chapter, 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 chapter.

(6) To do all other things necessary or convenient to carry out the powers granted to it by this chapter.

§ 1905. **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 appropriated to the commission on a continuing basis.

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

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

(1) The commission is 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 money received or raised under this subsection shall be paid into the State Treasury and credited to the fund.

§ 1906. Expiration of chapter.

This chapter shall expire June 30, 1995.

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

Section 4. This act shall take effect immediately.

APPROVED—The 4th day of December, A. D. 1992.

ROBERT P. CASEY