

No. 1998-56

AN ACT

HB 1561

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, authorizing the department to arrange for burial details in the Indiantown Gap National Cemetery; and providing for cooperative agreements, for training areas and for the operation of Fort Indiantown Gap.

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 sections to read:

§ 705. Burial details for veterans.

(a) *Authority.*—*The department shall have the power to arrange for burial details for veteran soldiers who are to be interred in the Indiantown Gap National Cemetery.*

(b) *Contracts.*—*The department may enter into contracts with a Statewide nonprofit fraternal society that represents various veterans' groups for the purpose of providing the burial details authorized by this section. In any such contract the department shall pay an amount not exceeding \$150 for each day that the burial detail is provided, and no other expenses shall be paid by the department under the contract.*

(c) *Terms.*—*Any burial detail contract entered into under this section shall include the following terms:*

(1) *A minimum of three veterans shall participate in the burial detail.*

(2) *The veterans shall be similarly uniformed and equipped.*

(3) *A bugler shall perform taps or a recording of taps may be played over the tape recording system of the cemetery.*

(4) *The party under the contract shall indemnify and hold harmless the department and the Commonwealth from any claims arising out of the performance of the burial details.*

(d) *Insurance.*—*Any veterans organization, the members of which perform a burial detail pursuant to this section, shall provide liability insurance for the burial details in such amount as prescribed by the department.*

(e) *Regulations.*—*The department shall promulgate the rules and regulations necessary to carry out this section.*

§ 706. Cooperative agreements.

The department may enter into cooperative agreements with the Federal Government to perform certain military or training functions. A cooperative agreement shall contain any appendixes and supplements necessary to

allow for the performance of those functions and reimbursement by the Federal Government.

§ 707. Training areas.

(a) Acquisition.—Upon the request of the Adjutant General and with the approval of the Governor, the Secretary of General Services is authorized to purchase, lease or obtain the right to use any real estate or building necessary for military training or preparedness of the Pennsylvania National Guard.

(b) Primary training site.—Fort Indiantown Gap shall be the primary training site for the Pennsylvania National Guard.

(c) Alternate training sites.—All State armories, real estate and buildings purchased, leased or utilized for stationing, quartering, training or deploying members of the Pennsylvania National Guard are alternate training areas for use by the Pennsylvania National Guard.

(d) Short-term uses of real property.—The Adjutant General is authorized to enter into agreements for the short-term use of real property on behalf of the Commonwealth for the purpose of obtaining areas for military training or emergency operations. For the purpose of this section, short-term use shall not exceed 30 days.

§ 708. Fort Indiantown Gap.

(a) Operation.—The Adjutant General is authorized to promulgate rules, regulations and policies for the continuing operation of Fort Indiantown Gap.

(b) Lease of installation.—The Adjutant General is authorized to enter into agreements with the Federal Government and state governments for the purpose of permitting soldiers under their command to use the real estate and equipment at Fort Indiantown Gap for military training purposes.

(c) Real estate.—Upon the request of the Adjutant General and with the approval of the Governor, the Secretary of General Services is authorized to purchase lands adjacent to Fort Indiantown Gap and to accept on behalf of the department and the Commonwealth any improvements or appurtenances to the lands comprising the installation.

(d) Morale, recreation and welfare.—The Adjutant General is authorized to operate facilities and organize activities and programs at Fort Indiantown Gap for the purpose of improving the morale, welfare and quality of life of service members, military dependents and veterans. The Adjutant General is also authorized to enter into concession agreements with private organizations for the continued operation of a canteen, exchange, commissary, restaurant or other enterprise which will improve the morale or welfare of active, retired or reserve members. These operations, facilities, activities and programs must be financially self-sustaining, and any income, including fees and charges, derived from the concession agreements and the operation of the facilities, activities and programs shall be deposited by the Adjutant General with a bank or trust

company. Moneys in the account may only be used for the continued operation of the facilities, activities or programs at Fort Indiantown Gap. Any Federal funds specifically designated to assist the Adjutant General in implementing this subsection are hereby appropriated to the department for these purposes. No General Fund moneys or other State funds shall be used for the purposes authorized under this subsection. An audit of all accounts under this subsection must be conducted annually on the State fiscal year basis, and the department shall provide a copy of the audit to the Secretary of the Budget.

Section 2. This act shall take effect as follows:

- (1) The addition of 51 Pa.C.S. § 705 shall take effect July 1, 1998, or immediately, whichever is later.
- (2) The remainder of this act shall take effect in 60 days.

APPROVED—The 7th day of May, A.D. 1998.

THOMAS J. RIDGE