

## AN ACT

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

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

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

21 § 102. Definitions.

22 Subject to additional definitions contained in subsequent  
23 provisions of this title which are applicable to specific  
24 provisions of this title, the following words and phrases when

1 used in this title shall have, unless the context clearly  
2 indicates otherwise, the meanings given to them in this section:

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

8 \* \* \*

9 Section 2. Sections 1501, 1502 and 1503 of Title 51 are  
10 amended to read:

11 § 1501. Composition and general functions.

12 The State Armory Board shall consist of the Adjutant  
13 General[, who shall act as chairman, and eight members appointed  
14 by the Adjutant General. Three of the members of the State  
15 Armory Board appointed by the Adjutant General] or a designee.  
16 The department's Director of Facilities and Engineering shall  
17 act as chairperson. The Adjutant General shall appoint eight  
18 members, three of whom shall be members of the Pennsylvania  
19 National Guard. The chairperson shall designate a secretary, who  
20 need not be a member of the board. The State Armory Board shall  
21 exercise the powers, duties and provisions of this chapter. [The  
22 board shall appoint a secretary who need not be a member of the  
23 board. It] At the discretion of the Adjutant General, the board  
24 shall provide, equip, maintain, manage and regulate armories for  
25 the use of the Pennsylvania military forces, the Pennsylvania  
26 National Guard or the Pennsylvania Guard. It may, at the  
27 discretion of the Adjutant General and with the approval of the  
28 Governor, accept gifts of land, with or without buildings  
29 thereon, to be used for military purposes or to support the  
30 mission of the department. The title to all such land shall be

1 taken in the name of the Commonwealth. [It] At the discretion of  
2 the Adjutant General, the board may also employ funds  
3 appropriated to it to purchase, for armory purposes, any  
4 suitable buildings or sites.

5 § 1502. Erection of armories.

6 [The] At the discretion of the Adjutant General, the State  
7 Armory Board is hereby empowered [and directed], utilizing funds  
8 appropriated to the board, to erect or provide anywhere within  
9 the limits of this Commonwealth, upon [such] terms and  
10 conditions as [shall be decided upon] recommended by [said] the  
11 Armory Board and approved by the Adjutant General, armories for  
12 the use of Pennsylvania military forces, the Pennsylvania  
13 National Guard and the Pennsylvania Guard. These armories shall  
14 be used [for] to store and maintain property and support  
15 training assemblies, meetings and rendezvous purposes by the  
16 organizations of Pennsylvania military forces, the Pennsylvania  
17 National Guard and<sup>1</sup>[, when organized,] the Pennsylvania Guard.

18 § 1503. Management of armories.

19 [The Armory Board shall constitute a board for the general  
20 management and care of said armories, when established, and]  
21 Under the direction of the Adjutant General, the State Armory  
22 Board shall have the power to adopt and prescribe rules and  
23 regulations for [their] the management [and government, and  
24 formulate such rules], operation and naming of armories and for  
25 the guidance of the organization occupying them as may be  
26 necessary and desirable.

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

28 § 1503.1. Management of buildings and structures located at  
29 Fort Indiantown Gap.

30 Under the direction of the Adjutant General, the State Armory

1 Board is authorized to direct the administration and utilization  
2 of any building or structure at Fort Indiantown Gap that is  
3 owned by the Commonwealth.

4 Section 4. Sections 1504, 1505, 1506(b), 1507(a), 1508,  
5 1509, 1510, 1511 and 1512 of Title 51 are amended to read:  
6 § 1504. Purchase or lease of ground for armories.

7 [The] Utilizing the funds appropriated to the State Armory  
8 Board and under the direction of the Adjutant General, the board  
9 shall have full authority to purchase or lease ground in the  
10 various localities throughout this Commonwealth where it shall  
11 be deemed necessary to provide armories. The following shall  
12 apply:

13 (1) The ground in each instance shall be purchased or  
14 leased in the name and for the use of the Commonwealth of  
15 Pennsylvania, and upon the ground so purchased or leased, the  
16 State Armory Board is authorized and directed to erect an  
17 armory or use said land for the benefit of the Pennsylvania  
18 military forces, the Pennsylvania National Guard or the  
19 Pennsylvania military forces.

20 (2) When [such] an armory or armories are erected or  
21 provided, the [said] State Armory Board shall [have charge  
22 thereof and arrange for its] inform the Adjutant General of  
23 the armory's availability for occupancy and use[.]. The  
24 Adjutant General shall set a timeline for a unit to occupy  
25 the armory under the direction and responsibility of the  
26 senior officer in command of the using unit or organization.  
27 § 1505. Donation of land by political subdivisions.

28 It shall be lawful for any county, city, borough, town or  
29 township to acquire by purchase or by gift, or by the right of  
30 eminent domain, any land [for the use of the Pennsylvania

1 National Guard,] to be used as an armory and to convey [such]  
2 the lands [so] acquired to the Commonwealth of Pennsylvania. The  
3 proceedings for the condemnation of lands under the provisions  
4 of this chapter and for the assessment of damages for the  
5 property taken, injured or destroyed shall be taken in the same  
6 manner as [is now] provided by 26 Pa.C.S. (relating to eminent  
7 domain).

8 § 1506. Donation of property and services by political  
9 subdivisions.

10 \* \* \*

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

21 § 1507. Sale of unusable armories and land; sale or lease of  
22 timber and mineral rights.

23 (a) General rule.--

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

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

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

8 \* \* \*

9 § 1508. Payment of armory rentals by Commonwealth.

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

18 § 1509. Rental and lease of armories.

19 (a) General rule.--[The] Under the direction of the Adjutant  
20 General, the State Armory Board is authorized to rent or lease  
21 armories and may issue [such] rules and regulations for the  
22 rental or lease of armories [for non-military purposes] to  
23 responsible persons or organizations at scheduled rates approved  
24 by the State Armory Board. The Adjutant General may authorize a  
25 lease or rental fee waiver to governmental and nonprofit  
26 organizations. Notwithstanding any other provision of law, [said  
27 rentals] a rental or lease shall be payable to the State  
28 Treasury Armory Fund. A lease executed under this section shall  
29 be executed for a term of no longer than five years.

30 (b) Structures located at Fort Indiantown Gap.--Under the

1 direction of the Adjutant General, the State Armory Board is  
2 authorized to rent or lease any buildings or structures located  
3 at Fort Indiantown Gap that are owned by the Commonwealth and  
4 may issue rules and regulations for the rental or lease of the  
5 buildings or structures to organizations or entities that  
6 support the mission of the department at scheduled rates  
7 approved by the State Armory Board. The Adjutant General may  
8 authorize a lease or rental fee waiver to governmental and  
9 nonprofit organizations. Notwithstanding any other provision of  
10 law, a rental or lease shall be payable to the State Treasury  
11 Armory Fund. A lease executed under this section shall be  
12 executed for a term of no longer than five years.

13 § 1510. Property in armories of units in Federal service.

14 (a) Custody and use.--When units of the Pennsylvania  
15 National Guard are called or ordered into the service of the  
16 United States, all furniture, permanent property and equipment  
17 located in their respective armories, purchased from State or  
18 municipal funds, or donated to the unit from private sources,  
19 will be left in the armory and will be taken into custody by the  
20 State Armory Board, to be used by units of Pennsylvania military  
21 forces, the Pennsylvania National Guard or the Pennsylvania  
22 Guard assigned to said armory, until such time as the  
23 Pennsylvania National Guard unit or organization returns.

24 (b) Reassignment and disposition.--If, upon the  
25 reorganization of the Pennsylvania National Guard following a  
26 war or emergency, the organization is not reorganized or is  
27 assigned to another location within this Commonwealth, then the  
28 property in question becomes the property of the Commonwealth to  
29 assign, reassign and dispose of as the State Armory Board, under  
30 the direction of the Adjutant General, may decide or direct.

1 § 1511. State Treasury Armory Fund.

2 (a) Establishment.--There is hereby established in the State  
3 Treasury a special revenue fund to be known as the State  
4 Treasury Armory Fund. The proceeds from the sale of any armory  
5 [building, armory site or other real estate used for the State  
6 military forces], the proceeds from the sale or lease of timber  
7 or other mineral rights at Fort Indiantown Gap or at any [other  
8 real estate used for the State military forces] armory and the  
9 proceeds from the rental or lease of any [State armories or  
10 other facilities used by the State military forces] armory shall  
11 be deposited in the State Treasury Armory Fund.

12 (b) Appropriation.--Moneys in the State Treasury Armory Fund  
13 are hereby appropriated to the Department of Military and  
14 Veterans Affairs in such amounts as may be determined annually  
15 by the Governor to be used for the purposes specified in  
16 [subsections (c) and] subsection (d).

17 [(c) Augmentation to department.--An amount equal to the  
18 1988-1989 rental revenues shall be provided to the department  
19 each year from the State Treasury Armory Fund.]

20 (d) Expenditures from State Treasury Armory Fund.--The  
21 department may expend moneys from the State Treasury Armory Fund  
22 for the following purposes:

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

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

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



1 (4) Construction of new armories [and other structures  
2 and facilities to be utilized by the Pennsylvania National  
3 Guard].

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

7 § 1512. Maintenance, construction and repairs.

8 Notwithstanding the provisions of any other law to the  
9 contrary, the State Armory Board may carry out all maintenance  
10 activities with respect to an armory if the cost does not exceed  
11 \$100,000 and may carry out contracts for repair or construction  
12 of armories [and other State-owned buildings or facilities under  
13 the jurisdiction of the department] up to an amount of \$100,000.

14 Section 5. This act shall take effect in 60 days.