Exhibit C – Draft legislation

**§ 102. Definitions.**

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

**"Armory."** The term shall include any armory, readiness center, facility, building, land and fixtures under the control of the Department of Military and Veterans Affairs and administered by the State Armory Board, and are used for housing, maintaining and supporting elements of the Pennsylvania military forces[forces], the Pennsylvania National Guard, or the Pennsylvania Guard. [Land, buildings and fixtures used for housing elements of the Pennsylvania military forces.]

**"Department."** The Department of Military and Veterans Affairs of the Commonwealth.

**"National Defense Act."** The act of Congress, entitled "An act for making further and more effectual provisions for the National Defense and for other purposes," approved June 3, 1916, its amendments and supplements.

**"National Guard of the United States."** The Army National Guard of the United States and the Air National Guard of the United States.

**"Officer."** Commissioned or warrant officer.

**"Order."** General or special order, oral or written, whether issued pursuant to State or Federal authority.

**"Pennsylvania Guard."** Those organized units of the Pennsylvania military forces which are not Federally recognized or which serve under the authority of the Governor when the Pennsylvania National Guard, in whole or in part, is on extended Federal active duty.

**"Pennsylvania military forces."** The land, air and sea military units organized for the internal security of this Commonwealth.

**"Pennsylvania National Guard."** The Pennsylvania Army National Guard and the Pennsylvania Air National Guard.

(Dec. 21, 1995, P.L.737, No.80, eff. imd.)

CHAPTER 15

STATE ARMORY BOARD

**Sec.**

1501. Composition and general functions.
1502. Erection of armories.
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1505. Donation of land by political subdivisions.
1506. Donation of property and services by political subdivisions.
1507. Sale of unusable armories and land; sale or lease of timber and mineral rights.
1508. Payment of armory rentals by Commonwealth.
1509. Rental of armories.
1510. Property in armories of units in Federal service.
1511. State Treasury Armory Fund.
1512. Maintenance, construction and repairs.

**Enactment.** Chapter 15 was added August 1, 1975, P.L.233, No.92, effective January 1, 1976.

**§ 1501. Composition and general functions.**

The State Armory Board shall be an advisory board to [consist of] the Adjutant General. The Director for Facilities and Engineering [who] shall act as chairman. [and] The Adjutant General shall appoint eight members, [appointed by the Adjutant General. Three of the members of the State Armory Board appointed by the Adjutant General] three of which shall be members of the Pennsylvania National Guard. The Chairman [board] shall [appoint] designate a secretary who need not be a member of the board. The State Armory Board shall exercise the powers, duties and provisions of this chapter. It shall provide, equip, maintain, manage and regulate armories for the use of the Pennsylvania military forces, the Pennsylvania National Guard or, the Pennsylvania Guard. [Pennsylvania military forces.] It may, with the approval of the Governor, accept gifts of land, with or without buildings thereon, to be used for military purposes or to support the mission of the Department. The title to all such land shall be taken in the name of the Commonwealth. It may also employ funds appropriated to it to purchase, for armory purposes, any suitable buildings or sites.

(June 19, 2002, P.L.433, No.63, eff. 60 days)

**§ 1502. Erection of armories.**

Under the direction of the Adjutant General, [the] The State 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] recommended by said State Armory Board and approved by the Adjutant General, armories for the use of the Pennsylvania military forces, Pennsylvania National Guard or, the Pennsylvania Guard. These armories shall be used [for] to store and maintain property and to support training assemblies, meetings and rendezvous purposes by the organizations of the Pennsylvania military forces, Pennsylvania National Guard [and] or, the Pennsylvania Guard. [when organized, the Pennsylvania Guard.]

**§ 1503. Management of armories.**

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

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§ 1503.1. Management of buildings and structures located at Ft. Indiantown Gap.

Under the direction of the Adjutant General, the State Armory Board is hereby authorized to direct the administration and utilization of any buildings or structures at Ft. Indiantown Gap that are owned by the Commonwealth.

**§ 1504. Purchase or lease of ground for armories.**

The State Armory Board shall have full authority to purchase or lease ground in the various localities throughout this Commonwealth where it shall be deemed necessary to provide armories. The ground in each instance shall be purchased or leased in the name and for the use of the Commonwealth of Pennsylvania, and upon the ground so purchased or leased, the State Armory Board is authorized and directed to erect an armory or use said land for the benefit of the Pennsylvania military forces,the Pennsylvania National Guard or, the Pennsylvania Guard. When such armory or armories are erected or provided, the said State Armory Board shall [have charge thereof and arrange for its] inform the Adjutant General for the armories availability for occupancy and use, who will set a timeline for the unit 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, 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 property taken, injured or destroyed shall be taken in the same manner as is now provided by 26 Pa.C.S. (relating to eminent domain).

(May 4, 2006, P.L.112, No.34, eff. 120 days)

**2006 Amendment.** Section 6(1) of Act 34 provided that Act 34 shall apply to all condemnations effected on or after the effective date of section 6.

**§ 1506. Donation of property and services by political subdivisions.**

**(a) General rule.--**Any political subdivision of this Commonwealth is hereby authorized and empowered, either independently or in connection with any other political subdivision of this Commonwealth, to provide and appropriate moneys or convey land to the Commonwealth of Pennsylvania to assist the State Armory Board in the erection of armories for the use of the Pennsylvania National Guard. Any political subdivision may furnish water, light or fuel, either or all, free of cost to the Commonwealth of Pennsylvania, for use in any armory of the Pennsylvania National Guard, and to do all things necessary to accomplish the purpose of this chapter.

**(b) Authority of government units.--**The State Armory Board shall have power to receive from any political subdivisions or other sources, donations of land, or contributions of money, to aid in providing or erecting armories throughout this Commonwealth for the use of the Pennsylvania National Guard and which shall be held as other property for the use of the Commonwealth of Pennsylvania. Such political subdivisions are hereby authorized to make such donations or contributions for the purpose of this chapter.

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

**(a) General rule.--**

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

(2) Whenever, in the opinion of the State Armory Board, timber or other mineral rights at Fort Indiantown Gap, any State armory or any other military lands or facilities may be sold or leased without disruption of the usual military purposes of the property and without undue adverse impact upon the local environment, the board may sell or lease the rights in accordance with law.

**(b) Disposition of proceeds.--**All money derived from sale of property under subsection (a)(1) or from sale or lease of rights under subsection (a)(2) shall be paid into the State Treasury Armory Fund.

(July 11, 1990, P.L.430, No.104, eff. imd.; June 15, 1994, P.L.277, No.47, eff. 60 days)

**§ 1508. Payment of armory rentals by Commonwealth.**

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

**References in Text.** The Department of Military Affairs, referred to in this section, is now the Department of Military and Veterans Affairs.

**§ 1509. Rental and Lease of armories.**

The State Armory Board has the authority to rent or lease armories and may issue such rules and regulations for the rental or lease of armories [for non-military purposes] to responsible persons or organizations at scheduled rates approved by the State Armory Board. The Adjutant General may authorize lease or rental fee waivers to governmental and nonprofit organizations. Notwithstanding any other provision of law, said fees for rentals and leases shall be payable to the State Treasury Armory Fund. A lease executed under this section shall be for a term no longer than five years.

**§ 1509.1 Rental and lease of buildings or structures located at Ft. Indiantown Gap.**

The State Armory Board is hereby authorized to rent or lease any buildings or structures located at Ft. Indiantown Gap that are owned by the Commonwealth. The State Armory Board may issue such rules and regulations for the rental or lease of the buildings or structures to organizations or entities that support the mission of the Department at scheduled rates approved by the State Armory Board. The Adjutant general may authorize lease or rental fee waivers to governmental and nonprofit organizations. Notwithstanding any other provision of law, said fees for rentals and leases shall be payable to the State Treasury Armory Fund. A lease executed under this section shall be for a term no longer than five years.

(July 11, 1990, P.L.430, No.104, eff. imd.)

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

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

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

**§ 1511. State Treasury Armory Fund.**

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

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**(b) Appropriation.**--Moneys in the State Treasury Armory Fund are hereby appropriated to the Department of Military Affairs in such amounts as may be

determined annually by the Governor to be used for the purposes specified in subsections (c) and (d).

[(c) **Augmentation to department.**--An amount equal to the 1988-1989 rental revenues shall be provided to the department each year from the State Treasury Armory Fund.][(d)](c) **Expenditures from State Treasury Armory Fund.**--The department may expend moneys from the State Treasury Armory Fund for the following purposes:

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

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

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

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

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

(July 11, 1990, P.L.430, No.104, eff. imd.; June 15, 1994, P.L.277, No.47, eff. 60 days)

**1994 Amendment.** Act 47 amended subsecs. (a) and (d)(1), (2) and (4) and added subsec. (d)(5).

**1990 Amendment.** Act 104 added section 1511.

**References in Text.** The Department of Military Affairs, referred to in subsec. (b), is now the Department of Military and Veterans Affairs.

**§ 1512. Maintenance, construction and repairs.**

Exhibit C – Draft legislation

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

(Dec. 7, 1994, P.L.844, No.119, eff. 60 days; May 15, 1998, P.L.443, No.59, eff. imd.)

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