

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1192 Session of 2024

INTRODUCED BY GEBHARD, CULVER, VOGEL, BREWSTER, MASTRIANO, DUSH, PENNYCUICK, J. WARD, ROBINSON, ROTHMAN AND MILLER, MAY 13, 2024

SENATOR MARTIN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 25, 2024

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in Department of Military Affairs,
3 further providing for Fort Indiantown Gap; and establishing
4 the Service Members, Veterans and their Families Fund.

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

7 Section 1. Section 708(b), (c) and (d) of Title 51 of the
8 Pennsylvania Consolidated Statutes are amended and the section
9 is amended by adding subsections to read:

10 § 708. Fort Indiantown Gap.

11 * * *

12 (b) Lease of installation.--

13 (1) The Adjutant General is authorized to enter into
14 agreements with the Federal Government and state governments
15 for the purpose of permitting [soldiers] units under their
16 command to use the real estate and equipment at Fort
17 Indiantown Gap for military training purposes[.], for
18 emergency response training and to support the quality of

1 life of service members, veterans and their families.

2 (2) In addition to the authority of the State Armory
3 Board under section 1509 (relating to rental or lease of
4 armories and of buildings or structures at Fort Indiantown
5 Gap) and to any other law relating to the leasing of
6 Commonwealth property, the Adjutant General may lease any
7 portion of the real property of Fort Indiantown Gap to an
8 individual or a public or nonpublic entity, including a
9 private commercial interest, to construct and operate a
10 revenue-generating business that meets all of the following
11 criteria:

12 (i) The business benefits the residents of the local
13 community in the vicinity of Fort Indiantown Gap and the
14 personnel of Fort Indiantown Gap and their families.

15 (ii) The business generates revenue for deposit into
16 the Service Members, Veterans and their Families Fund
17 established under subsection (f).

18 (3) If the Adjutant General opts to lease any portion of
19 the real property of Fort Indiantown Gap for the purpose
20 specified under paragraph (2), the Adjutant General shall
21 have the following duties:

22 (i) Select a prospective lessee to construct and
23 operate the revenue-generating business. In selecting a
24 prospective lessee under this subparagraph, the Adjutant
25 General shall consider all of the following:

26 (A) The ability of the prospective lessee to
27 provide an array of items or services as determined
28 by the Adjutant General.

29 (B) The degree to which the items or services
30 offered by the prospective lessee benefit the

1 residents of the local community in the vicinity of
2 Fort Indiantown Gap.

3 (C) The degree to which the items or services
4 offered by the prospective lessee benefit the
5 personnel of Fort Indiantown Gap and their families.

6 (D) The experience of the prospective lessee in
7 operating the proposed type of revenue-generating
8 business, giving greater weight to the number of
9 years of experience, the number of years operating
10 within this Commonwealth and the total number of
11 similar businesses owned or operated by the
12 prospective lessee.

13 (ii) Establish the terms and conditions of the
14 lease, including the period of the lease. The terms and
15 conditions of the lease shall state that the lessee is
16 required to operate a revenue-generating business during
17 the period of the lease and the Commonwealth is not
18 liable for a claim associated with the lessee or with the
19 operation of the revenue-generating business.

20 (4) The Adjutant General may delegate the duties
21 specified under paragraph (2) or (3) to an employee or office
22 of the department as the Adjutant General deems appropriate.

23 (5) A determination by the Adjutant General or a
24 delegate under paragraph (2) or (3), including a
25 determination relating to the selection criteria for a
26 prospective lessee, the selection of a lessee, expenditures
27 or required forms or reports, shall not be subject to any of
28 the following:

29 (i) Administrative or judicial review under 2
30 Pa.C.S. Chs. 5 Subch. A (relating to practice and

1 procedure of Commonwealth agencies) and 7 Subch. A
2 (relating to judicial review of Commonwealth agency
3 action) or any other State law.

4 (ii) The act of July 31, 1968 (P.L.769, No.240),
5 referred to as the Commonwealth Documents Law.

6 (iii) The act of October 15, 1980 (P.L.950, No.164),
7 known as the Commonwealth Attorneys Act.

8 (iv) The act of June 25, 1982 (P.L.633, No.181),
9 known as the Regulatory Review Act.

10 (v) The provisions of 62 Pa.C.S. Pt. I (relating to
11 Commonwealth Procurement Code).

12 (6) Nothing in this subsection shall be construed to be
13 a waiver of sovereign immunity for the purpose of 1 Pa.C.S. §
14 2310 (relating to sovereign immunity reaffirmed; specific
15 waiver) or otherwise.

16 (c) [Real] Purchase of real estate.--Upon the request of the
17 Adjutant General and with the approval of the Governor, the
18 Secretary of General Services is authorized to purchase lands
19 adjacent to Fort Indiantown Gap and to accept on behalf of the
20 department and the Commonwealth any improvements or
21 appurtenances to the lands comprising the installation.

22 (d) [Morale, recreation and welfare.--] Quality of life
23 programs.--

24 (1) The Adjutant General is authorized to operate
25 facilities and organize activities and programs at Fort
26 Indiantown Gap and at the department's facilities for the
27 purpose of improving the [morale, welfare and] quality of
28 life of service members, [military dependents and veterans.]
29 veterans and their families. The Adjutant General shall
30 design the activities and programs to support military

1 readiness through all of the following:

2 (i) Physical fitness and well-being.

3 (ii) Personal growth and development.

4 (iii) Social interaction and camaraderie.

5 (iv) Opportunities for leisure and recreation and
6 discounts on travel, tickets and lodging.

7 (2) The Adjutant General is [also] authorized to enter
8 into concession agreements with private organizations for the
9 continued operation of a canteen, exchange, commissary,
10 restaurant or other enterprise which will improve the morale
11 or welfare of [active, retired or reserve members.] service
12 members, veterans and their families.

13 (3) These operations, facilities, activities and
14 programs must be financially self-sustaining, and any income,
15 including fees and charges, derived from the concession
16 agreements and the operation of the facilities, activities
17 and programs shall be deposited by the Adjutant General [with
18 a bank or trust company. Moneys in the account may only be
19 used for the continued operation of the facilities,
20 activities or programs at Fort Indiantown Gap. Any Federal
21 funds specifically designated to assist the Adjutant General
22 in implementing this subsection are hereby appropriated to
23 the department for these purposes.] into the Service Members,
24 Veterans and their Families Fund established under subsection
25 (f).

26 (4) No General Fund moneys or other State funds shall be
27 used for the purposes authorized under this subsection. [An
28 audit of all accounts under this subsection must be conducted
29 annually on the State fiscal year basis, and the department
30 shall provide a copy of the audit to the Secretary of the

1 Budget.]

2 * * *

3 (f) Service Members, Veterans and their Families Fund.--

4 (1) The Service Members, Veterans and their Families
5 Fund is established as a restricted fund in the State
6 Treasury. Revenue generated from lessees under subsection (b)
7 shall be paid into the State Treasury and deposited into the
8 Service Members, Veterans and their Families Fund.

9 (2) The department may accept, on behalf of the
10 Commonwealth, gifts, donations, legacies and usages of money
11 from individuals, organizations, public or private
12 corporations and other similar entities and solicit and raise
13 money from public and private sources for the purpose of the
14 Service Members, Veterans and their Families Fund. All money
15 received and raised under this paragraph shall be paid into
16 the State Treasury and credited to the Service Members,
17 Veterans and their Families Fund.

18 (3) The department shall expend money from the Service
19 Members, Veterans and their Families Fund for the following
20 purposes:

21 (i) The continued operation of quality of life
22 activities and programs in this Commonwealth that benefit
23 service members, veterans and their families under
24 subsection (d).

25 (ii) The development of new activities and programs
26 in this Commonwealth to benefit service members, veterans
27 and their families under subsection (d).

28 (iii) Grants to governmental and nonprofit
29 organizations that provide activities and programs to
30 benefit service members, veterans and their families

1 under subsection (d).

2 (iv) Provide morale, welfare and recreation support
3 to Pennsylvania National Guard units deployed outside of
4 this Commonwealth.

5 (4) Money in the Service Members, Veterans and their
6 Families Fund is appropriated on a continuing basis to the
7 department for the purposes specified under paragraph (3).

8 ~~(5) The Adjutant General shall determine how to expend <--~~
9 ~~the money in the Service Members, Veterans and their Families~~
10 ~~Fund for the purposes specified under paragraph (3). The~~
11 ~~Adjutant General shall determine how to expend the money in~~
12 ~~the Service Members, Veterans and their Families Fund during~~
13 ~~the same fiscal year in which the money was deposited into~~
14 ~~the Service Members, Veterans and their Families Fund. If the~~
15 ~~Adjutant General is unable to expend the money in the Service~~
16 ~~Members, Veterans and their Families Fund for the purpose~~
17 ~~determined by the Adjutant General in the same fiscal year in~~
18 ~~which the money was deposited into the Service Members,~~
19 ~~Veterans and their Families Fund due to inadequate~~
20 ~~applications for the money, the Adjutant General may opt to~~
21 ~~reallocate the money for a different purpose under paragraph~~
22 ~~(3) or expend the money in the next fiscal year for the same~~
23 ~~purpose originally determined by the Adjutant General.~~

24 ~~(6) (5) No later than 60 days from the effective date of <--~~
25 ~~this paragraph, the department shall adopt a statement of~~
26 ~~policy for the maintenance and use of the Service Members,~~
27 ~~Veterans and their Families Fund and transmit the statement~~
28 ~~of policy to the Legislative Reference Bureau for publication~~
29 ~~in the next available issue of the Pennsylvania Bulletin. The~~
30 ~~statement of policy adopted under this paragraph shall not be~~

1 subject to any of the following:

2 (i) Section 612 of the act of April 9, 1929

3 (P.L.177, No.175), known as The Administrative Code of
4 1929.

5 (ii) Sections 201, 202, 203, 204 and 205 of the
6 Commonwealth Documents Law.

7 (iii) Sections 204(b) and 301(10) of the
8 Commonwealth Attorneys Act.

9 (iv) The Regulatory Review Act.

10 (g) Report.--No later than July 31, 2025, and each year
11 thereafter, the department shall submit to the chairperson and
12 minority chairperson of the Veterans Affairs and Emergency
13 Preparedness Committee of the Senate and the chairperson and
14 minority chairperson of the Veterans Affairs and Emergency
15 Preparedness Committee of the House of Representatives a report
16 detailing the deposits and expenditures of the Service Members,
17 Veterans and their Families Fund in the prior fiscal year and
18 describing the activities and programs that received money from
19 the Service Members, Veterans and their Families Fund.

20 Section 2. This act shall take effect in 90 days.