AMENDMENTS TO HOUSE BILL NO. 1869

Sponsor: SENATOR MUTH

Printer's No. 3569

Amend Bill, page 1, line 2, by inserting after "Statutes," providing for COVID-19 benefits for members of Pennsylvania National Guard; and,

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 58
COVID-19 BENEFITS FOR MEMBERS OF PENNSYLVANIA NATIONAL GUARD

Sec.
5801. Scope of chapter.
5802. Benefit.
§ 5801. Scope of chapter.
This chapter relates to COVID-19 benefits for members of the Pennsylvania National Guard.
§ 5802. Benefit.
(a) Benefit.—Notwithstanding any other provision of law, a member of the Pennsylvania National Guard shall receive from the department a benefit computed under subsection (b)(2) if the member:
(1) is ordered to State Active Duty for Emergency or Special State Duty by the Adjutant General or by the Governor; and
(2) sustains an injury while participating in duty under paragraph (1) from the period of notification to report for duty until officially released.
(b) Claim submission, calculation and funding.—
(1) A member of the Pennsylvania National Guard who sustains an injury and is not compensated for the injury by the Federal Government, must submit a claim to receive the benefit as prescribed by the Adjutant General.
(2) For purposes of computing the average weekly wage of a member of the Pennsylvania National Guard or dependent thereof, weekly wages shall be calculated using the daily base pay table under Title 37 of the United States Code (relating to pay and allowances of the uniformed services) to
determine the Pennsylvania National Guard member's daily wage at the time of the injury. The average weekly wage shall equal the member's daily base pay multiplied by five.

(3) A benefit received under this section shall be limited to 60 days for each incident.

(4) The General Assembly shall appropriate the money necessary to be deposited into a nonlapsing restricted interest-bearing account to provide for the benefit established in subsection (a).

(c) No Commonwealth employee status.--In no event shall any member of the Pennsylvania National Guard while performing the activities described in subsection (a) be deemed an employee of the Commonwealth for any purpose or benefit. Nothing in this section shall be construed to entitle a member of the Pennsylvania National Guard to any benefit or emolument provided to an employee of the Commonwealth.

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

"Injury." Contracts or is diagnosed with coronavirus disease 2019, known as COVID-19, as identified in the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), or is subject to quarantine resulting from exposure to COVID-19, and, by reason of the exposure, is temporarily incapacitated from performing duties.

"Participating." The term includes activities ordered by the Adjutant General or by the Governor such as training, an exercise or related official functions.

"Special State Duty." State military duty by the Pennsylvania National Guard under this section. The term shall not include State Active Duty for Emergency under this section or duty authorized and funded under 10 U.S.C. or 32 U.S.C.

"State Active Duty for Emergency." State military duty by the Pennsylvania National Guard under 51 Pa.C.S. § 508 (relating to active duty for emergency) that is not active duty authorized and funded under 10 U.S.C. (relating to Armed Forces) or 32 U.S.C. (relating to National Guard).

Section 2. Section 8133 of Title 35 is amended by adding a subsection to read:

Amend Bill, page 2, line 7, by striking out "2" and inserting