

## AMENDMENTS TO HOUSE BILL NO. 1869

Sponsor: SENATOR MUTH

Printer's No. 3569

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

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

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

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

11 Sec.

12 5801. Scope of chapter.

13 5802. Benefit.

14 § 5801. Scope of chapter.

15 This chapter relates to COVID-19 benefits for members of the  
16 Pennsylvania National Guard.

17 § 5802. Benefit.

18 (a) Benefit.--Notwithstanding any other provision of law, a  
19 member of the Pennsylvania National Guard shall receive from the  
20 department a benefit computed under subsection (b)(2) if the  
21 member:

22 (1) is ordered to State Active Duty for Emergency or  
23 Special State Duty by the Adjutant General or by the  
24 Governor; and

25 (2) sustains an injury while participating in duty under  
26 paragraph (1) from the period of notification to report for  
27 duty until officially released.

28 (b) Claim submission, calculation and funding.--

29 (1) A member of the Pennsylvania National Guard who  
30 sustains an injury and is not compensated for the injury by  
31 the Federal Government, must submit a claim to receive the  
32 benefit as prescribed by the Adjutant General.

33 (2) For purposes of computing the average weekly wage of  
34 a member of the Pennsylvania National Guard or dependent  
35 thereof, weekly wages shall be calculated using the daily  
36 base pay table under Title 37 of the United States Code  
37 (relating to pay and allowances of the uniformed services) to

1 determine the Pennsylvania National Guard member's daily wage  
2 at the time of the injury. The average weekly wage shall  
3 equal the member's daily base pay multiplied by five.

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

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

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

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

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

22 "Injury." Contracts or is diagnosed with coronavirus disease  
23 2019, known as COVID-19, as identified in the proclamation of  
24 disaster emergency issued by the Governor on March 6, 2020,  
25 published at 50 Pa.B. 1644 (March 21, 2020), or is subject to  
26 quarantine resulting from exposure to COVID-19, and, by reason  
27 of the exposure, is temporarily incapacitated from performing  
28 duties.

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

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

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

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

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