

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2412 Session of
2022

INTRODUCED BY C. WILLIAMS, GAYDOS, GROVE, SMITH, MIHALEK,
N. NELSON, JAMES, LONGIETTI, M. MACKENZIE, HENNESSEY,
MILLARD, COX, ARMANINI, MOUL, PENNYCUICK, SAYLOR, FARRY,
COOK, HEFFLEY, HAMM, THOMAS, MIZGORSKI, BOBACK, STAATS, KAIL,
STEPHENS, MERCURI, DAY, QUINN, STRUZZI, WELBY, POLINCHOCK AND
RYAN, MARCH 16, 2022

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED,
APRIL 12, 2022

AN ACT

1 ~~Amending the act of April 9, 1929 (P.L.177, No.175), entitled~~ <--
2 ~~"An act providing for and reorganizing the conduct of the~~
3 ~~executive and administrative work of the Commonwealth by the~~
4 ~~Executive Department thereof and the administrative~~
5 ~~departments, boards, commissions, and officers thereof,~~
6 ~~including the boards of trustees of State Normal Schools, or~~
7 ~~Teachers Colleges; abolishing, creating, reorganizing or~~
8 ~~authorizing the reorganization of certain administrative~~
9 ~~departments, boards, and commissions; defining the powers and~~
10 ~~duties of the Governor and other executive and administrative~~
11 ~~officers, and of the several administrative departments,~~
12 ~~boards, commissions, and officers; fixing the salaries of the~~
13 ~~Governor, Lieutenant Governor, and certain other executive~~
14 ~~and administrative officers; providing for the appointment of~~
15 ~~certain administrative officers, and of all deputies and~~
16 ~~other assistants and employes in certain departments, boards,~~
17 ~~and commissions; providing for judicial administration; and~~
18 ~~prescribing the manner in which the number and compensation~~
19 ~~of the deputies and all other assistants and employes of~~
20 ~~certain departments, boards and commissions shall be~~
21 ~~determined," in powers and duties of the Department of~~
22 ~~Military Affairs and its departmental administrative boards,~~
23 ~~further providing for use of Pennsylvania National Guard for~~
24 ~~special State duty.~~
25 AMENDING TITLE 51 (MILITARY AFFAIRS) OF THE PENNSYLVANIA <--
26 CONSOLIDATED STATUTES, IN THE GOVERNOR AS COMMANDER-IN-CHIEF,
27 PROVIDING FOR USE OF PENNSYLVANIA NATIONAL GUARD FOR SPECIAL
28 STATE DUTY; AND MAKING A RELATED REPEAL.

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

~~Section 1. Section 1415 of the act of April 9, 1929~~ <--
~~(P.L.177, No.175), known as The Administrative Code of 1929, is~~
~~amended to read:~~

~~Section 1415. Use of Pennsylvania National Guard for Special~~
~~State Duty. (a) The Governor may place, or delegate authority~~
~~to the Adjutant General to order, any volunteer member of the~~
~~Pennsylvania National Guard or, when unavailable due to call or~~
~~order into the service of the United States, any member of the~~
~~Pennsylvania Guard on special State duty to respond to community~~
~~needs, support Commonwealth functions and ceremonies,~~
~~participate in courts martial and board functions, support~~
~~[Federal, State and local drug eradication and interdiction~~
~~operations] State and local governments and designated critical~~
~~infrastructure with cybersecurity functional support and~~
~~nongovernmental and educational institutions with cyber training~~
~~or exercises and perform other necessary military duties to the~~
~~extent that funds are appropriated and available for special~~
~~State duty.~~

~~(b) Whenever members of the Pennsylvania National Guard or~~
~~Pennsylvania Guard are ordered to special State duty in support~~
~~of Federal, State and local [drug operations] cybersecurity~~
~~functions, operations or training or exercise support, the~~
~~Governor shall annually, by April 1, submit a report to the~~
~~General Assembly setting forth the types of [drug operations~~
~~performed] cybersecurity operations and training performed, the~~
~~name and type of organizations supported, the number and types~~
~~of personnel involved, types of equipment and systems utilized,~~
~~and any problems encountered in matters of jurisdiction, command~~

~~and control, hostile encounters and operation approval
procedures. The report shall include a breakdown of support
provided in the normal course of training and support
substantially equivalent to training.~~

~~(c) Special State duty shall not be provided if the
provision of such support will adversely affect the ability of
the Pennsylvania National Guard or Pennsylvania Guard to perform
its primary military preparedness missions.~~

~~(d) In addition to the powers and duties of the Adjutant
General pursuant to Title 51 of the Pennsylvania Consolidated
Statutes (relating to military affairs), the Adjutant General is
hereby authorized and directed to order members of the
Pennsylvania National Guard to special State duty under
subsection (a).~~

~~(e) Officers and enlisted personnel ordered on special State
duty for which pay is authorized under the order prescribing the
performance thereof shall receive the pay and allowances of
their respective grades during the time they may continue upon
duty under such order. The pay authorized by this subsection
shall not be less than forty five dollars per day.~~

~~(f) "Special State duty" means State military duty by the
Pennsylvania military forces as authorized by this section. The
term does not include active State duty authorized by 51 Pa.C.S.
§ 508 (relating to active [State] duty for emergency) or duty
authorized and funded under Title 10 of the United States Code
(relating to Armed Forces) and Title 32 of the United States
Code (relating to National Guard).~~

~~Section 2. This act shall take effect in 60 days.~~

~~SECTION 1. TITLE 51 OF THE PENNSYLVANIA CONSOLIDATED
STATUTES IS AMENDED BY ADDING A SECTION TO READ:~~

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1 § 506.1. USE OF PENNSYLVANIA NATIONAL GUARD FOR SPECIAL STATE
2 DUTY.

3 (A) AUTHORIZATION.--THE GOVERNOR MAY PLACE, OR DELEGATE
4 AUTHORITY TO THE ADJUTANT GENERAL TO ORDER, ANY VOLUNTEER MEMBER
5 OF THE PENNSYLVANIA NATIONAL GUARD OR, IF UNAVAILABLE DUE TO
6 CALL OR ORDER INTO THE SERVICE OF THE UNITED STATES, ANY MEMBER
7 OF THE PENNSYLVANIA GUARD ON SPECIAL STATE DUTY TO RESPOND TO
8 COMMUNITY NEEDS, SUPPORT COMMONWEALTH FUNCTIONS AND CEREMONIES,
9 PARTICIPATE IN COURTS-MARTIAL AND BOARD FUNCTIONS, SUPPORT STATE
10 AND LOCAL GOVERNMENTS AND DESIGNATED CRITICAL INFRASTRUCTURE
11 WITH CYBERSECURITY FUNCTIONAL SUPPORT AND NONGOVERNMENTAL AND
12 EDUCATIONAL INSTITUTIONS WITH CYBER TRAINING OR EXERCISES AND
13 PERFORM OTHER NECESSARY MILITARY DUTIES TO THE EXTENT THAT MONEY
14 IS APPROPRIATED AND AVAILABLE FOR SPECIAL STATE DUTY.

15 (B) REPORT.--

16 (1) IF MEMBERS OF THE PENNSYLVANIA NATIONAL GUARD OR
17 PENNSYLVANIA GUARD ARE ORDERED TO SPECIAL STATE DUTY IN
18 SUPPORT OF FEDERAL, STATE AND LOCAL CYBERSECURITY FUNCTIONS,
19 OPERATIONS OR TRAINING OR EXERCISE SUPPORT, THE GOVERNOR
20 SHALL ANNUALLY, BY APRIL 1, SUBMIT A REPORT TO THE GENERAL
21 ASSEMBLY SETTING FORTH THE FOLLOWING, WHICH SHALL PROTECT THE
22 SECURITY OF SENSITIVE INFORMATION:

23 (I) THE TYPES OF CYBERSECURITY OPERATIONS AND
24 TRAINING PERFORMED;

25 (II) THE NAME AND TYPE OF ORGANIZATIONS SUPPORTED;

26 (III) THE NUMBER AND TYPES OF PERSONNEL INVOLVED;

27 (IV) THE TYPES OF EQUIPMENT AND SYSTEMS UTILIZED;

28 AND

29 (V) PROBLEMS ENCOUNTERED IN MATTERS OF JURISDICTION,
30 COMMAND AND CONTROL, HOSTILE ENCOUNTERS AND OPERATION

1 APPROVAL PROCEDURES.

2 (2) THE REPORT SHALL INCLUDE A BREAKDOWN OF SUPPORT
3 PROVIDED IN THE NORMAL COURSE OF TRAINING AND SUPPORT
4 SUBSTANTIALLY EQUIVALENT TO TRAINING.

5 (C) LIMITATION.--SPECIAL STATE DUTY SHALL NOT BE PROVIDED IF
6 THE PROVISION OF THE SUPPORT WILL ADVERSELY AFFECT THE ABILITY
7 OF THE PENNSYLVANIA NATIONAL GUARD OR PENNSYLVANIA GUARD TO
8 PERFORM ITS PRIMARY MILITARY-PREPAREDNESS MISSIONS.

9 (D) ADJUTANT GENERAL.--IN ADDITION TO THE POWERS AND DUTIES
10 OF THE ADJUTANT GENERAL UNDER THIS TITLE, THE ADJUTANT GENERAL
11 IS AUTHORIZED AND DIRECTED TO ORDER MEMBERS OF THE PENNSYLVANIA
12 NATIONAL GUARD TO SPECIAL STATE DUTY UNDER SUBSECTION (A).

13 (E) PAY AND ALLOWANCES.--OFFICERS AND ENLISTED PERSONNEL
14 ORDERED ON SPECIAL STATE DUTY FOR WHICH PAY IS AUTHORIZED UNDER
15 THE ORDER PRESCRIBING THE PERFORMANCE OF DUTY SHALL RECEIVE THE
16 PAY AND ALLOWANCES OF THEIR RESPECTIVE GRADES DURING THE TIME
17 THE DUTY IS ORDERED. THE PAY AUTHORIZED UNDER THIS SUBSECTION
18 MAY NOT BE LESS THAN \$100 PER DAY.

19 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
20 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
21 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

22 "SPECIAL STATE DUTY." STATE MILITARY DUTY BY THE
23 PENNSYLVANIA MILITARY FORCES AS AUTHORIZED UNDER THIS SECTION.
24 THE TERM DOES NOT INCLUDE ACTIVE STATE DUTY AUTHORIZED UNDER
25 SECTION 508 (RELATING TO ACTIVE DUTY FOR EMERGENCY) OR DUTY
26 AUTHORIZED AND FUNDED UNDER 10 U.S.C. (RELATING TO ARMED FORCES)
27 AND 32 U.S.C. (RELATING TO NATIONAL GUARD).

28 SECTION 2. REPEALS ARE AS FOLLOWS:

29 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
30 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 51

1 PA.C.S. § 506.1.

2 (2) SECTION 1415 OF THE ACT OF APRIL 9, 1929 (P.L.177,
3 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, IS
4 REPEALED.

5 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.