

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1355 Session of 1989

INTRODUCED BY BROUJOS, CALTAGIRONE, MOEHLMANN, BIRMELIN, ACOSTA, ADOLPH, ANGSTADT, ARGALL, BELARDI, BELFANTI, BILLOW, BISHOP, BLAUM, BOYES, BUNT, BURD, BUSH, CIVERA, COLAIZZO, COLE, CORRIGAN, DALEY, DeLUCA, FAIRCHILD, FARGO, FEE, FOX, GEIST, GIGLIOTTI, HAGARTY, HALUSKA, HARPER, HERMAN, HOWLETT, JOHNSON, KASUNIC, KOSINSKI, LASHINGER, LETTERMAN, MAIALE, MARKOSEK, MELIO, MORRIS, MRKONIC, NOYE, PISTELLA, ROBINSON, SERAFINI, G. SNYDER, STABACK, STEIGHNER, STUBAN, TANGRETTI, J. TAYLOR, TRELLO, TRICH, VEON, WAMBACH, WASS, WOZNIAK, J. L. WRIGHT, F. TAYLOR, O'BRIEN, ROBBINS, BURNS, BLACK, KONDRICH, PITTS, PRESSMANN AND DIETTERICK, MAY 1, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 27, 1989

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, providing for special State duty.

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

5 Section 1. Section 102 of Title 51 of the Pennsylvania
6 Consolidated Statutes is amended by adding a definition to read:

7 § 102. Definitions.

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

13 * * *

1 "Special State duty." State military duty by the
2 Pennsylvania military forces authorized by section 512 (relating
3 to special State duty). The term does not include active State
4 duty authorized by section 508 (relating to active State duty
5 for emergency) or duty authorized and funded under Title 10 of
6 the United States Code (relating to Armed Forces) and Title 32
7 of the United States Code (relating to National Guard).

8 Section 2. Title 51 is amended by adding a section to read:
9 § 512. Special State duty.

10 (a) Authorization.--The Governor may place, or delegate
11 authority to the Adjutant General to order, any volunteer member
12 of the Pennsylvania National Guard or, when unavailable due to
13 call or order into the service of the United States, any member
14 of the Pennsylvania Guard on special State duty to respond to
15 community needs, support Commonwealth functions and ceremonies,
16 participate in courts-martial and board functions, support
17 Federal, State and local drug eradication and interdiction
18 operations and perform other necessary military duties to the
19 extent that funds are appropriated and available for special
20 State duty.

21 (b) Report.--Whenever members of the Pennsylvania National
22 Guard or Pennsylvania Guard are ordered to special State duty in
23 support of Federal, State and local drug operations, the
24 Governor shall annually, by April 1, submit a report to the
25 General Assembly setting forth the types of drug operations
26 performed, the number and types of personnel involved, types of
27 equipment and systems utilized, and any problems encountered in
28 matters of jurisdiction, command and control, hostile
29 encounters, and operation approval procedures. The report shall
30 include a breakdown of support provided in the normal course of

1 training and support substantially equivalent to training.

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

6 Section 3. Section 902 of Title 51 is amended by adding a
7 paragraph to read:

8 § 902. General powers and duties of Adjutant General.

9 The Adjutant General as head of the department is responsible
10 to the Commonwealth and to the Governor for the organization and
11 functioning of said department, and the performance and carrying
12 out of all the duties, powers and responsibilities given or
13 delegated. In addition he is hereby authorized and directed to:

14 * * *

15 (13) Order members of the Pennsylvania National Guard to
16 special State duty under section 512 (relating to special
17 State duty).

18 Section 4. Section 3101 of Title 51 is amended to read:

19 § 3101. Pay of officers and enlisted personnel on special duty.

20 [Commissioned officers may be ordered upon special duty at
21 the discretion of the Governor and] Officers and enlisted
22 personnel ordered on special State duty for which pay is
23 authorized under the order prescribing the performance thereof
24 shall receive the pay and allowances of their respective grades
25 during the time they may continue upon duty under such order.
26 The pay authorized by this section shall not be less than \$45
27 per day.

28 SECTION 5. TITLE 51 IS AMENDED BY ADDING A SECTION TO READ: <—

29 § 3105. SUPPLEMENTAL PAY FOR ENLISTED PERSONNEL PERFORMING <—
30 FEDERALLY FUNDED DUTY.

1 WHENEVER ANY MEMBER OF THE PENNSYLVANIA NATIONAL GUARD IS
2 ORDERED TO FEDERALLY FUNDED DUTY UNDER TITLE 32 OF THE UNITED
3 STATES CODE (RELATING TO NATIONAL GUARD) FOR THE PURPOSE OF DRUG
4 ERADICATION OR INTERDICTION WITHIN THIS COMMONWEALTH, THE
5 ADJUTANT GENERAL SHALL BE AUTHORIZED, TO THE EXTENT THAT
6 COMMONWEALTH FUNDS ARE APPROPRIATED AND AVAILABLE FOR SUCH
7 PURPOSE, TO SUPPLEMENT THE FEDERAL PAY AND ALLOWANCES OF SUCH
8 PERSONNEL SO THAT IT IS NOT LESS THAN \$45 PER DAY.

9 Section ~~5~~ 6. This act shall take effect ~~in 60 days~~
10 IMMEDIATELY.

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