

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 AND QUINN, MARCH 16, 2022

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MARCH 16, 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 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 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

1 substantially equivalent to training.

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

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

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

18 (f) "Special State duty" means State military duty by the
19 Pennsylvania military forces as authorized by this section. The
20 term does not include active State duty authorized by 51 Pa.C.S.
21 § 508 (relating to active [State] duty for emergency) or duty
22 authorized and funded under Title 10 of the United States Code
23 (relating to Armed Forces) and Title 32 of the United States
24 Code (relating to National Guard).

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