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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1981 Session of  
2019

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INTRODUCED BY WENTLING, MATZIE, SCHMITT, MILLARD, KULIK, BROOKS,  
KINSEY, FREEMAN, YOUNGBLOOD, MERSKI, CAUSER, BERNSTINE,  
CALTAGIRONE AND SCHWEYER, OCTOBER 25, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 25, 2019

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AN ACT

1 Amending Title 37 (Historical and Museums) of the Pennsylvania  
2 Consolidated Statutes, in general provisions, further  
3 providing for Pennsylvania Historical and Museum Commission;  
4 in powers and duties of Pennsylvania Historical and Museum  
5 Commission, providing for volunteer program; and making  
6 related repeals.

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

9 Section 1. Section 104 of Title 37 of the Pennsylvania  
10 Consolidated Statutes is amended by adding a subsection to read:  
11 § 104. Pennsylvania Historical and Museum Commission.

12 \* \* \*

13 (e.1) Compensation.--The members of the commission shall not  
14 be entitled to compensation for their services as members of the  
15 commission.

16 \* \* \*

17 Section 2. Title 37 is amended by adding a section to read:  
18 § 308. Volunteer program.

19 (a) Establishment.--The commission may recruit, train and

1 accept, without regard to the civil service classification laws,  
2 rules or regulations, the services of individuals without  
3 compensation as volunteers for or in aid of interpretive  
4 functions, visitor services, conservation measures and  
5 development or other activities in and related to all  
6 Commonwealth programs administered by the commission.

7 (b) Incidental expenses.--The commission may provide for  
8 incidental expenses, including transportation, uniforms, lodging  
9 and subsistence, incurred by volunteers in the course of their  
10 service as volunteers.

11 (c) Employment status.--

12 (1) Except as otherwise provided in this section, a  
13 volunteer shall not be deemed to be a Commonwealth employee  
14 and shall not be subject to the provisions of law relating to  
15 Commonwealth employment, including those relating to hours of  
16 work, rates of compensation, leave, unemployment compensation  
17 and Commonwealth employee benefits.

18 (2) Volunteers performing work under the terms of this  
19 section shall be authorized to operate Commonwealth vehicles  
20 and shall be treated for the purposes of automotive and  
21 general liability as employees of the Commonwealth.

22 (3) For the purpose of the act of June 2, 1915 (P.L.736,  
23 No.338), known as the Workers' Compensation Act, relating to  
24 compensation to employees for work injuries, volunteers under  
25 the provisions of this section shall be deemed employees of  
26 the Commonwealth within the meaning of the term "employee" as  
27 defined in section 104 of the Workers' Compensation Act, and  
28 the provisions of that act shall apply.

29 (4) No volunteer shall be assigned to any position  
30 filled in the commission as of July 11, 1996.

1 (d) Powers.--The commission shall have the power and the  
2 authority to do all things necessary and expedient to establish  
3 and operate a volunteer program and to promulgate rules and  
4 regulations under this section.

5 Section 3. Repeals are as follows:

6 (1) The General Assembly declares that the repeal under  
7 paragraph (2) is necessary to effectuate the amendment of 37  
8 Pa.C.S. § 104(e.1).

9 (2) Section 210(b) of the act of April 9, 1929 (P.L.177,  
10 No.175), known as The Administrative Code of 1929, is  
11 repealed to the extent it applies to the Pennsylvania  
12 Historical and Museum Commission.

13 (3) The General Assembly declares that the repeal under  
14 paragraph (4) is necessary to effectuate the addition of 37  
15 Pa.C.S. § 308.

16 (4) Section 304.1 of The Administrative Code of 1929 is  
17 repealed. The following apply:

18 (i) Except as otherwise provided in 37 Pa.C.S. §  
19 308, all activities initiated under section 304.1 of The  
20 Administrative Code of 1929 shall continue and remain in  
21 full force and effect and may be completed under 37  
22 Pa.C.S. § 308. Orders, regulations, rules and decisions  
23 which were made under section 304.1 of The Administrative  
24 Code of 1929 and which are in effect on the effective  
25 date of this paragraph shall remain in full force and  
26 effect until revoked, vacated or modified under 37  
27 Pa.C.S. § 308. Contracts, obligations and collective  
28 bargaining agreements entered into under section 304.1 of  
29 The Administrative Code of 1929 are not affected nor  
30 impaired by the repeal of the section 304.1 of The

1 Administrative Code of 1929.

2 (ii) Any difference in language between 37 Pa.C.S. §  
3 308 and section 304.1 of The Administrative Code of 1929  
4 is intended only to conform to the style of the  
5 Pennsylvania Consolidated Statutes and is not intended to  
6 change or affect the legislative intent, judicial  
7 construction or administration and implementation of  
8 section 304.1 of The Administrative Code of 1929.

9 Section 4. This act shall take effect in 60 days.