1	HOUSE BILL NO. 1513
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the House Committee on Public Safety
4	on)
5	(Patron Prior to SubstituteDelegate Fowler)
6	A BILL to amend and reenact § 44-102.1:1 of the Code of Virginia, relating to active-duty status for any
7	service member injured while in the line of duty.
8	Be it enacted by the General Assembly of Virginia:
9	1. That § 44-102.1:1 of the Code of Virginia is amended and reenacted as follows:
10	§ 44-102.1:1. Benefits upon call to active duty under a state of emergency; health care
11	premiums.
12	A. As used in this section:
13	"Department" means the Department of Military Affairs.
14	"Service member" means a member of the Virginia National Guard or the Virginia Defense Force
15	"State of emergency" has the same meaning as provided in § 44-146.16.
16	B. If the Governor has declared a state of emergency that activated the Virginia National Guard or
17	the Virginia Defense Force, then the Department is authorized to pay, for any service member who has
18	served under such activation for a period of at least 14 consecutive days, the portion of the premium for
19	such service member's health care coverage previously paid by the service member's employer, provided
20	that the service member provides satisfactory evidence to the Department demonstrating that (i)
21	immediately prior to being called to state active duty, the service member was employed and received
22	health care coverage through his employer, (ii) the employer paid a premium to maintain the service
23	member's health care coverage, and (iii) as a result of the service member's state active duty status, the
24	employer is no longer paying such premium.
25	C. Any payment made by the Department pursuant to this section shall cover only the portion of

the premium previously paid by the service member's employer from day 15 of the service member's state

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active duty until the date the service member is discharged from state active duty. Such payments may
also cover dependents of the service member.

- D. The Department may use the sum sufficient identified in the relevant state of emergency declaration for any payment authorized by this section.
- E. The Department shall establish policies, procedures, and protocols to implement and record any payment authorized by this section.
 - F. On or before November 1, 2022, and annually thereafter, the Department shall report to the Secretary of Veterans and Defense Affairs all payments made pursuant to this section.
 - G. Nothing in this section shall create a legal cause of action against the Commonwealth or the Department.
 - H. The Adjutant General may maintain state active-duty status for any service member injured while in the line of duty during the course of a state active-duty mission who is unable, due to his injury, to return to civilian employment. Such authorization shall be limited to 90 days after the date of the service member's injury. The Adjutant General shall limit pay and allowances to the service member to the lesser of either the amount that the service member received from his civilian employment prior to his mobilization or the amount of federal active duty pay and allowances for that service member's rank and years of service.

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