

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1081 Session of  
2006

INTRODUCED BY ROBBINS, D. WHITE, PIPPY, FONTANA, WENGER, PUNT,  
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CORMAN, C. WILLIAMS, ERICKSON, M. WHITE, TARTAGLIONE, EARLL,  
PILEGGI, BOSCOLA, ORIE, GREENLEAF, GORDNER, MUSTO, KITCHEN,  
MELLOW AND RHOADES, JANUARY 23, 2006

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
JANUARY 23, 2006

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania  
2 Consolidated Statutes, defining "combat zone"; and further  
3 providing for limitations and eligibility in educational  
4 assistance program.

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

7 Section 1. Section 3202 of Title 51 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 3202. Eligibility.

10 (a) General rule.--A Pennsylvania National Guard member is  
11 eligible to receive a public service educational grant under  
12 this chapter if the member meets all of the following  
13 eligibility criteria:

14 (1) The member is a qualified resident of this  
15 Commonwealth.

16 (2) [The] Except as otherwise provided in subsection (c)  
17 and section 3206(b)(relating to limitations), the member is a

1 member in good standing and has been a satisfactory  
2 participant in Pennsylvania National Guard activities for a  
3 minimum service period established by the Adjutant General.

4 (3) The member has enrolled as a student in an approved  
5 program of education at an approved institution of higher  
6 learning.

7 (b) Additional eligibility criteria for full-time student  
8 assistance grants.--In addition to the eligibility criteria  
9 specified in subsection (a), a student must meet the following  
10 eligibility criteria to qualify for a full-time student  
11 assistance grant:

12 (1) The member does not possess a baccalaureate degree.

13 (2) The member accepts an obligation to serve in the  
14 Pennsylvania National Guard for a period of six years from  
15 the date of entry into the program by enlistment,  
16 reenlistment, extension of enlistment or execution of a  
17 service commitment.

18 (3) The member has enrolled as a full-time student in an  
19 approved program of education at an approved institution of  
20 higher learning.

21 (4) The member is not receiving a Reserve Officer  
22 Training Corps (ROTC) Scholarship, excluding a Guaranteed  
23 Reserve Forces Duty Scholarship.

24 (c) Discharge for disability incurred in the line of duty.--  
25 A Pennsylvania National Guard member who is discharged for  
26 medical disability shall remain eligible to receive a public  
27 service educational grant under this chapter if the member meets  
28 all of the following eligibility criteria:

29 (1) The medical disability was incurred in the line of  
30 duty and was not the result of misconduct.

1       (2) The medical condition giving rise to the discharge  
2       did not exist prior to the member entering service in the  
3       Pennsylvania National Guard.

4       (3) The medical disability was incurred while performing  
5       authorized military duty other than basic training, advanced  
6       individual training or other equivalent initial training.

7       (4) The former member received an honorable discharge  
8       for medical reasons.

9       (5) The former member had accepted an obligation to  
10       serve in the Pennsylvania National Guard for a minimum period  
11       of service established by the Adjutant General and was  
12       qualified to have fulfilled such service obligation but for  
13       the medical disability that resulted in discharge.

14       (6) The former member commences the member's full-time  
15       or part-time course of study within two years of medical  
16       discharge and completes the full-time or part-time course of  
17       study within six years of medical discharge. The Adjutant  
18       General may for good cause extend these deadlines when the  
19       former member's disability is shown to require additional  
20       time for the former member to commence or complete a course  
21       of study.

22       (7) The former member meets all eligibility criteria  
23       specified in subsections (a) and (b) except membership in the  
24       Pennsylvania National Guard.

25       Section 2. Section 3206(b) of Title 51, amended December 22,  
26       2005 (P.L.441, No.82), is amended to read:

27       § 3206. Limitations.

28       \* \* \*

29       (b) Active duty.--

30       (1) Except as otherwise provided in paragraph (2) or

1     (3), no grant payments shall be made under this chapter  
2     except during the eligible member's term of service as a  
3     member in good standing of the Pennsylvania National Guard.

4         (2) For eligible members who were called or ordered to  
5     active Federal service or active State duty under section 508  
6     (relating to active State duty for emergency) after September  
7     11, 2001, the deadline for making grant payments shall be  
8     extended for one additional month for each month or part of  
9     month of such service after the member is discharged or  
10    released under honorable conditions from the Pennsylvania  
11    National Guard.

12         (3) For members discharged because of a disability  
13         incurred in the line of duty who are eligible under section  
14         3202(c) (relating to eligibility), the deadline for making  
15         grant payments shall be six years after the member's medical  
16         discharge.

17    Section 3. The amendment or addition of 51 Pa.C.S. §§  
18    3202(a) and (c) and 3206(b) shall apply to:

19         (1) Grants awarded for any course of study commenced on  
20     or after May 1, 2006.

21         (2) Individuals discharged for a medical disability  
22     incurred in the line of duty after September 11, 2001.

23    Section 4. This act shall take effect immediately.