

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1081 Session of  
2006

INTRODUCED BY ROBBINS, D. WHITE, PIPPY, FONTANA, WENGER, PUNT,  
JUBELIRER, O'PAKE, THOMPSON, LEMMOND, A. WILLIAMS, TOMLINSON,  
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MELOW, RHOADES, RAFFERTY, WAUGH, SCARNATI, WONDERLING,  
FERLO, KASUNIC, PICCOLA, COSTA, REGOLA AND ARMSTRONG,  
JANUARY 23, 2006

SENATOR TOMLINSON, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
FEBRUARY 6, 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)

1 and section 3206(b)(relating to limitations), the member is a  
2 member in good standing and has been a satisfactory  
3 participant in Pennsylvania National Guard activities for a  
4 minimum service period established by the Adjutant General.

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

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

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

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

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

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

25 (c) Discharge for disability incurred in the line of duty.--  
26 A Pennsylvania National Guard member who is discharged for  
27 medical disability AFTER SEPTEMBER 11, 2001, shall remain <—  
28 eligible to receive a public service educational grant under  
29 this chapter if the member meets all of the following  
30 eligibility criteria:

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

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

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

9       (4) The former member received an honorable discharge  
10      for medical reasons.

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

16      ~~(6) The former member commences the member's full time~~ <—  
17      ~~or part time course of study within two years of medical~~  
18      ~~discharge and completes the full time or part time course of~~  
19      ~~study within six years of medical discharge.~~

20      (6) THE FORMER MEMBER COMMENCES A FULL-TIME OR PART-TIME <—  
21      COURSE OF STUDY WITHIN TWO YEARS OF MEDICAL DISCHARGE OR  
22      WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SUBSECTION,  
23      SUCH COURSE OF STUDY HAVING A COMPLETION DATE OF NOT MORE  
24      THAN SIX YEARS FOLLOWING THE DATE OF MEDICAL DISCHARGE FOR  
25      MEMBERS DISCHARGED FOR MEDICAL DISABILITY ON OR AFTER THE  
26      EFFECTIVE DATE OF THIS SUBSECTION, OR OF NOT MORE THAN SIX  
27      YEARS FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION FOR  
28      MEMBERS DISCHARGED FOR A MEDICAL DISABILITY AFTER SEPTEMBER  
29      11, 2001, AND BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION.

30      The Adjutant General may for good cause extend these

1 deadlines when the former member's disability is shown to  
2 require additional time for the former member to commence or  
3 complete a course of study.

4 (7) The former member meets all eligibility criteria  
5 specified in subsections (a) and (b) except membership in the  
6 Pennsylvania National Guard.

7 Section 2. Section 3206(b) of Title 51, amended December 22,  
8 2005 (P.L.441, No.82), is amended to read:

9 § 3206. Limitations.

10 \* \* \*

11 (b) Active duty.--

12 (1) Except as otherwise provided in paragraph (2) or  
13 (3), no grant payments shall be made under this chapter  
14 except during the eligible member's term of service as a  
15 member in good standing of the Pennsylvania National Guard.

16 (2) For eligible members who were called or ordered to  
17 active Federal service or active State duty under section 508  
18 (relating to active State duty for emergency) after September  
19 11, 2001, the deadline for making grant payments shall be  
20 extended for one additional month for each month or part of  
21 month of such service after the member is discharged or  
22 released under honorable conditions from the Pennsylvania  
23 National Guard.

24 (3) For members discharged because of a disability  
25 incurred in the line of duty who are eligible under section  
26 3202(c) (relating to eligibility), the deadline for making  
27 grant payments shall be ~~six years after the member's medical~~ <—  
28 discharge. <—

29 (I) SIX YEARS AFTER THE MEMBER'S MEDICAL DISCHARGE  
30 FOR MEMBERS DISCHARGED FOR A MEDICAL DISABILITY ON OR

1 AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH.

2 (II) SIX YEARS FOLLOWING THE EFFECTIVE DATE OF THIS  
3 PARAGRAPH FOR MEMBERS DISCHARGED FOR A MEDICAL DISABILITY  
4 AFTER SEPTEMBER 11, 2001, AND BEFORE THE EFFECTIVE DATE  
5 OF THIS PARAGRAPH.

6 Section 3. The amendment or addition of 51 Pa.C.S. §§

7 ~~3202(a) and (c) and 3206(b) shall apply to:~~ <—

8 ~~(1) Grants awarded for any course of study commenced on~~  
9 ~~or after May 1, 2006.~~

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

12 3202(A) AND (C) AND 3206(B) SHALL APPLY TO GRANTS AWARDED FOR <—  
13 ANY COURSE OF STUDY COMMENCED ON OR AFTER MAY 1, 2006.

14 Section 4. This act shall take effect immediately.