

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 931 Session of
2003

INTRODUCED BY PILEGGI, RAFFERTY, ERICKSON, THOMPSON, KUKOVICH,
STOUT, CORMAN, HUGHES, RHOADES, BOSCOLA, LEMMOND, LAVALLE,
ORIE, LOGAN, MUSTO, COSTA, PICCOLA, M. WHITE, GREENLEAF,
MELLOW, KASUNIC, STACK, PUNT, WAUGH AND PIPPY,
OCTOBER 8, 2003

AS AMENDED ON THIRD CONSIDERATION, JUNE 28, 2004

AN ACT

1 Amending the act of December 16, 1998 (P.L.980, No.129),
2 entitled "An act providing for a waiver of tuition and other
3 fees for children of certain deceased police officers,
4 National Guard members, firefighters and correction employees
5 at community colleges and State-owned and State-related
6 institutions of higher education and for additional powers
7 and duties of the Pennsylvania Higher Education Assistance
8 Agency and the Department of General Services," extending the
9 Postsecondary Educational Gratuity Program to certain
10 children of sheriffs and deputy sheriffs.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 3(a), (b) and (d) of the act of December
14 16, 1998 (P.L.980, No.129), known as the Police Officer,
15 Firefighter, Correction Employee and National Guard Member Child
16 Beneficiary Education Act, are amended to read:

17 Section 3. Postsecondary Educational Gratuity Program.

18 (a) Establishment.--There is hereby established the
19 Postsecondary Educational Gratuity Program for children of
20 police officers, firefighters, correction employees, sheriffs,

1 deputy sheriffs and National Guard members of this Commonwealth
2 who are killed while acting in the performance of their duties.

3 (b) Eligibility.--

4 (1) Police officers shall be deemed to have been killed
5 in the performance of their duties if death results from job-
6 related injuries sustained or inflicted while performing any
7 of the following:

8 (i) Answering an emergency call.

9 (ii) Conducting interrogations of crime suspects or
10 interrogations pursuant to a response to an emergency
11 call.

12 (iii) Conducting vehicle stops for traffic
13 violations.

14 (iv) Actively responding to requests for assistance
15 from the public.

16 (v) Maintaining order and security at the scene of
17 an emergency.

18 (2) Firefighters shall be deemed to have been killed in
19 the performance of their duties if death results from job-
20 related injuries sustained or inflicted while performing any
21 of the following:

22 (i) Being present at the scene of a fire or going to
23 and from a fire. In the case of volunteer firefighters,
24 going to and from a fire shall include traveling from and
25 directly returning to the firefighter's home, place of
26 business or other location where the firefighter was when
27 the fire call or alarm was received for a fire which the
28 firefighter's volunteer fire company attended.

29 (ii) Answering an emergency call.

30 (iii) Maintaining order and security at the scene of

1 an emergency.

2 (3) A member of the National Guard shall be deemed to
3 have been killed in the performance of his or her duties if
4 his or her death results from performance of a duty required
5 by his or her orders or commander while in an official duty
6 status other than on Federal active duty.

7 (4) Correction employees shall be deemed to have been
8 killed in the performance of their duties if death results
9 from job-related injuries sustained or inflicted while
10 maintaining order and security or otherwise carrying out
11 their duties at a correctional facility.

12 (4.1) Sheriffs and deputy sheriffs shall be deemed to
13 have been killed in the performance of their duties if death
14 results from job-related injuries sustained or inflicted
15 while maintaining order and security or otherwise carrying
16 out their duties as a sheriff or deputy sheriff.

17 (5) Notwithstanding the provisions of this section,
18 deaths which occur as the direct and proximate result of
19 preexisting physical conditions, diseases or illnesses shall
20 be excluded from eligibility under this section.

21 (6) Any child of a police officer, firefighter,
22 correction employee, sheriff, deputy sheriff or National
23 Guard member killed in the performance of his or her duties
24 shall be eligible for an educational gratuity provided the
25 child is 25 years of age or younger at the time of
26 application for participation in this program, meets all
27 admission requirements of the community college or State-
28 owned or State-related institution to which application is
29 made and is enrolled as a full-time student at a community
30 college or a State-owned or State-related institution.

1 (7) A child who is 25 years of age or younger at the
2 time of the child's application for participation in this
3 program and who meets all other eligibility requirements may
4 receive an educational gratuity for up to five years provided
5 the child otherwise continues to be eligible for
6 participation.

7 * * *

8 (d) Administration.--

9 (1) Copies of all police officer and firefighter death
10 certifications received by the Department of General Services
11 under the act of June 24, 1976 (P.L.424, No.101), referred to
12 as the Emergency and Law Enforcement Personnel Death Benefits
13 Act, shall be provided by the Department of General Services
14 to PHEAA within 20 days of their receipt.

15 (2) Written notification of the death of any correction
16 employee killed in the performance of his or her duties shall
17 be submitted to PHEAA by the Secretary of Corrections within
18 20 days of the death of the employee.

19 (2.1) Written notification of the death of any sheriff
20 or deputy sheriff killed in the performance of his or her
21 duties shall be submitted to PHEAA by the county
22 commissioners of the county in which the sheriff was elected
23 or deputy sheriff employed within 20 days of the death of the
24 employee.

25 (3) Written notification of the death of any member of
26 the National Guard killed in the performance of his or her
27 duties shall be submitted to PHEAA by the Adjutant General of
28 the Department of Military and Veterans Affairs within 20
29 days of the death of the National Guard member.

30 (4) Applications for an educational gratuity shall be

submitted to PHEAA by the child or the surviving parent or guardian of the child, together with a certified copy of the child's birth certificate or adoption record or other documentation of birth or adoption acceptable to PHEAA. The application shall include a copy of the child's letter of acceptance at a community college or a State-owned or State-related institution. If no death certification has been received from the Department of General Services, Secretary of Corrections or Adjutant General of the Department of Military and Veterans Affairs, PHEAA may elect to accept other documentation certifying that the child's parent was a police officer, firefighter, correction employee or National Guard member killed during the performance of his or her duties.

(5) Within 30 days of receipt of a completed application, PHEAA shall send written notice to the child and the community college or State-owned or State-related institution of the child's eligibility or noneligibility for participation in this program. If the child is determined not to be eligible for an educational gratuity, the notice shall include the reason or reasons for such determination and an indication that an appeal of PHEAA's determination may be made pursuant to 2 Pa.C.S. (relating to administrative law and procedure).

(6) Upon receipt of notification of the child's eligibility from PHEAA, a community college or a State-owned or State-related institution is prohibited from charging the child or the child's parent or guardian any tuition fee or room and board charge. If moneys have been received by the community college or the State-owned or State-related

1 institution for these purposes, those moneys must be refunded
2 in full within 30 days of receipt by the community college or
3 the State-owned or State-related institution of the notice of
4 the child's eligibility.

5 (7) Each community college or State-owned or State-
6 related institution at which an eligible child is enrolled
7 shall notify PHEAA upon the child's graduation or when the
8 child is no longer enrolled at the community college or
9 State-owned or State-related institution.

10 Section 2. This act shall be retroactive to January 1, 2004.

11 Section 3. This act shall take effect ~~in 60 days~~

12 IMMEDIATELY.

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