
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 170 Session of
1995

INTRODUCED BY M. COHEN, LUCYK, D. R. WRIGHT, ROONEY, FARGO,
JAROLIN, GEORGE, BLAUM, COWELL, BATTISTO, STABACK, PESCI,
HUTCHINSON, MAYERNIK, DALEY, JOSEPHS, TRELLO, McCALL, SURRA,
MELIO, ZUG, WASHINGTON, LAUGHLIN, RICHARDSON, HORSEY AND
MIHALICH, JANUARY 20, 1995

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JANUARY 20, 1995

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, further providing for educational aid
3 for certain members of the Pennsylvania National Guard; and
4 conferring powers and duties on the Adjutant General, the
5 Department of Military Affairs and the Pennsylvania Higher
6 Education Assistance Agency.

7 The General Assembly of the Commonwealth of Pennsylvania
8 finds and declares as follows:

9 (1) The Pennsylvania National Guard must recruit
10 thousands of young Pennsylvanians each year to attain and
11 sustain its required troop strength to meet Federal manning
12 requirements and to provide the Governor with a well-trained
13 and organized military force to respond to emergencies in
14 this Commonwealth.

15 (2) The men and women of the Pennsylvania National Guard
16 face increasing leadership and technical challenges and the
17 percentage of members of the National Guard with post-high
18 school, college and technical education must be increased to

1 meet these challenges.

2 (3) Currently available programs are not adequate to
3 meet the financial needs of National Guard personnel who are
4 pursuing a higher education or to attract young men and women
5 into the National Guard who are high school graduates with
6 the desire and ability to pursue their higher education in
7 Commonwealth colleges and universities or business, trade and
8 technical schools.

9 (4) The Pennsylvania National Guard needs a cadre of
10 well-educated leaders to lead the Guard now and in the
11 future.

12 (5) An innovative educational assistance program will
13 provide public service educational grants for members of the
14 Pennsylvania National Guard and will keep Pennsylvania
15 student soldiers in this Commonwealth and benefit
16 Pennsylvania communities.

17 (6) An educational assistance program will reward those
18 young Pennsylvanians who volunteer to serve their nation and
19 Commonwealth as part of the Pennsylvania National Guard and
20 will make this Commonwealth more competitive with other
21 states and regular forces in the educational benefits offered
22 to military personnel.

23 (7) The Educational Assistance Program is designed to
24 provide public service educational grants to members of the
25 Pennsylvania National Guard by means of grants administered
26 by the Pennsylvania Higher Education Assistance Agency.

27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

29 Section 1. Section 3104 of Title 51 of the Pennsylvania
30 Consolidated Statutes is amended to read:

1 § 3104. [Tuition credit] Part-time student assistance.

2 [(a) Eligibility.--A nontechnician member of the
3 Pennsylvania National Guard in an enlisted grade, warrant
4 officer, WO1 or WO2, or officers in the rank of second
5 lieutenant or first lieutenant after completing a minimum
6 enlistment period as defined by the guard, who enrolls in a
7 Pennsylvania institution of higher learning, with degree
8 granting status as approved by the Department of Education,
9 shall receive a grant of one-half the cost of the credit, with a
10 maximum of \$40 per credit while satisfactorily enrolled, with a
11 maximum of six credits per quarter or semester or 12 credits per
12 year.]

13 (a) Eligibility.--A member of the Pennsylvania National
14 Guard serving as an enlisted member, warrant officer, warrant
15 officer 1 or warrant officer 2, or officers in the grade of
16 second lieutenant or first lieutenant after completing a minimum
17 enlistment period, as defined by the Adjutant General, who
18 enrolls in a part-time course of study in a Commonwealth-
19 approved institution of higher learning, as defined in section
20 3202 (relating to eligibility), shall receive a grant of one-
21 half of the cost of the tuition payable to the institution,
22 provided that the grant paid on behalf of any student for any
23 academic year shall not exceed one-half of the cost of the
24 maximum tuition charged by any member institution of the State
25 System of Higher Education.

26 (b) Payment.--Grants shall be paid only upon certification
27 each quarter or semester by the Adjutant General that the
28 student is a current member in good standing with the
29 Pennsylvania National Guard and that his current enlistment
30 extends beyond the expiration date of the current quarter or

1 semester.

2 (c) Administration.--The Department of Military Affairs
3 shall administer the educational grants provided in this section
4 from an appropriation made annually to the department for this
5 purpose. The department may promulgate rules and regulations on
6 the administration and management of this program. The grant
7 program shall not exceed the amount of the appropriation. If the
8 department determines that the amount appropriated will be
9 insufficient to pay the grants in amounts set forth in
10 subsection (a), the department shall reduce the amount of the
11 grant payments proportionately so that the expenditures do not
12 exceed the amounts appropriated.

13 Section 2. Title 51 is amended by adding a chapter to read:

14 CHAPTER 32

15 EDUCATIONAL ASSISTANCE PROGRAM

16 Sec.

17 3201. Definitions.

18 3202. Eligibility.

19 3203. Certification of eligibility.

20 3204. Grants.

21 3205. Amount of grants.

22 3206. Limitations.

23 3207. Recoupment of grant payments.

24 3208. Regulations.

25 3209. Administration.

26 § 3201. Definitions.

27 The following words and phrases when used in this chapter
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Agency." The Pennsylvania Higher Education Assistance

1 Agency.

2 "Approved program of education." A degree or nondegree
3 curriculum or course of study to be pursued on a full-time basis
4 for a duration of at least two academic years, or its equivalent
5 as determined by the Pennsylvania Higher Education Assistance
6 Agency, at an approved institution of higher learning.

7 "Eligible member." A member of the Pennsylvania National
8 Guard who meets the criteria specified in section 3202 (relating
9 to eligibility) and who has been awarded a certificate of
10 eligibility under section 3203 (relating to certification of
11 eligibility).

12 "Program." The Educational Assistance Program established in
13 this chapter.

14 "Qualified resident." An individual who has been a bona fide
15 resident of this Commonwealth for a period of at least 12
16 consecutive months immediately prior to the time an application
17 for a grant is made. The Pennsylvania Higher Education
18 Assistance Agency shall make the final decision on whether an
19 applicant is a qualified resident.

20 "Total education costs." The tuition, room, board, fees and
21 cost of books at an approved institution of higher learning in
22 amounts approved by the Pennsylvania Higher Education Assistance
23 Agency.

24 § 3202. Eligibility.

25 A Pennsylvania National Guard member is eligible to receive a
26 public service educational grant under this chapter for a period
27 of not more than four academic years if the member meets all of
28 the following eligibility criteria:

29 (1) The member is a qualified resident of this
30 Commonwealth.

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

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

7 (4) The member serves in an enlisted grade or in the
8 grade of a warrant officer 1, warrant officer 2, first
9 lieutenant or second lieutenant.

10 (5) The member is a member in good standing and has been
11 a satisfactory participant in Pennsylvania National Guard
12 activities for a minimum service period established by the
13 Adjutant General.

14 (6) The member has enrolled as a full-time student in an
15 approved program of education.

16 (7) The member is not receiving a Reserve Officer
17 Training Corps (ROTC) Scholarship.

18 § 3203. Certification of eligibility.

19 The department shall certify members of the Pennsylvania
20 National Guard as eligible to participate in the program who
21 meet the eligibility criteria set forth in section 3202
22 (relating to eligibility) and shall provide the agency with a
23 certificate of eligibility for an eligible member.

24 § 3204. Grants.

25 (a) General rule.--From the funds appropriated for the
26 purposes of this chapter, the agency is authorized to provide
27 grants to eligible members for the purpose of pursuing approved
28 programs of education.

29 (b) Promissory notes.--At the receipt of the grant, an
30 eligible member shall sign a promissory note to repay the full

1 amount of the grant. The promissory note shall be conditional
2 upon noncompletion of the service obligation under section
3 3207(a) (relating to recoupment of grant payments).

4 § 3205. Amount of grants.

5 (a) Maximums.--Grants awarded under this chapter to cover
6 full-time study shall be determined by the agency without regard
7 to financial need and shall not exceed, for each academic year:

8 (1) For students receiving grants under the Pell grant
9 program or from the agency, the lesser of:

10 (i) the tuition of the approved institution of
11 higher learning in which the eligible member is enrolled;

12 (ii) the maximum tuition charged by any of the
13 member institutions of the State System of Higher
14 Education for a Commonwealth resident pursuing a full-
15 time program of study; or

16 (iii) the total education cost at an approved
17 institution of higher learning in which the eligible
18 member is enrolled less the total of all Pell and/or
19 agency grants that the member is eligible to receive.

20 (2) For students not receiving grants under the Pell
21 grant program or from the agency, the lesser of:

22 (i) the tuition of the approved institution of
23 higher learning in which the eligible member is enrolled;

24 or

25 (ii) the maximum tuition charged by any of the
26 member institutions of the State System of Higher
27 Education for a Commonwealth resident pursuing a full-
28 time program of study.

29 (b) Adjustments.--If the agency, after consultation with the
30 Adjutant General, determines that the amount appropriated for

1 the program in any year will be insufficient to provide grants
2 in the amounts set forth in this section to all eligible
3 members, the agency may reduce the maximum amount of the grants
4 proportionately to ensure that sums expended do not exceed
5 appropriations.

6 § 3206. Limitations.

7 (a) Time.--No member shall be eligible for grant payments
8 under this program for more than four academic years.

9 (b) Active duty.--An eligible member must commence
10 participation in the program during the term of service as a
11 member in good standing of the Pennsylvania National Guard. No
12 grant payments shall be made for any academic year commencing
13 two or more years after the date of the member's discharge from
14 the Pennsylvania National Guard.

15 § 3207. Recoupment of grant payments.

16 (a) General rule.--An eligible member who fails to complete
17 a six-year service obligation incurred as a result of
18 participation in this program or to meet other requirements
19 established by the Adjutant General or the agency is liable to
20 the Commonwealth for repayment of all grant payments made. The
21 Adjutant General shall notify the agency if an eligible member
22 fails to complete the service obligation and the promissory note
23 under section 3204(b) (relating to grants) shall be payment in
24 full upon demand by the agency on a schedule as the agency may
25 determine.

26 (b) Forgiveness of recoupment.--The Adjutant General may
27 advise the agency to forgive recoupment of all or part of an
28 eligible member's grant payments if the Adjutant General
29 determines that the member's failure to fulfill the six-year
30 service obligation was the result of the eligible member's

1 death, discharge because of disability incurred in line of duty,
2 discharge because of a medical determination that the eligible
3 member is medically unfit for duty when the medical condition is
4 outside the eligible member's control and is not due to his
5 misconduct or discharge or release because of other compelling
6 circumstances outside the eligible member's control.

7 § 3208. Regulations.

8 The Adjutant General and the agency may promulgate
9 regulations to carry out the provisions of this chapter.

10 § 3209. Administration.

11 The agency is authorized to use an appropriate portion of the
12 funds appropriated for the program to pay the costs of the
13 administration of this chapter.

14 Section 3. This act shall take effect July 1, 1995, or
15 immediately, whichever is later.