

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 804 Session of
2023

INTRODUCED BY BURNS, RABB, BOYLE, PROBST, KENYATTA, VENKAT,
SANCHEZ, HILL-EVANS, GALLOWAY, N. NELSON, DELLOSO, CIRESI,
OTTEN, ABNEY, MERSKI, PISCIOTTANO, ZIMMERMAN, D. WILLIAMS,
HOWARD, DEASY, MADDEN, WARREN, RAPP, TAKAC, CONKLIN, GILLEN
AND WEBSTER, APRIL 3, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 23, 2023

AN ACT

1 Amending the act of December 15, 1982 (P.L.1266, No.287),
2 entitled "An act conferring limited residency status on
3 military personnel, their dependents and civilian personnel
4 assigned to an active duty station in Pennsylvania," further
5 providing for residency of students.

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

8 ~~Section 1. Section 1(a.1) and (a.2) of the act of December <--~~
9 ~~15, 1982 (P.L.1266, No.287), entitled "An act conferring limited~~
10 ~~residency status on military personnel, their dependents and~~
11 ~~civilian personnel assigned to an active duty station in~~
12 ~~Pennsylvania," are amended to read:~~

13 SECTION 1. SECTION 1 OF THE ACT OF DECEMBER 15, 1982 <--
14 (P.L.1266, NO.287), ENTITLED "AN ACT CONFERRING LIMITED
15 RESIDENCY STATUS ON MILITARY PERSONNEL, THEIR DEPENDENTS AND
16 CIVILIAN PERSONNEL ASSIGNED TO AN ACTIVE DUTY STATION IN
17 PENNSYLVANIA," IS AMENDED TO READ:

1 Section 1. *** (A) GENERAL RULE.--THE TERM "RESIDENT" OR <--
2 "RESIDENCY," OR ANY OTHER TERM OR EXPRESSION USED TO DESIGNATE A
3 COMMONWEALTH RESIDENT STUDENT, WHEN USED TO DETERMINE THE RATE
4 OF TUITION TO BE CHARGED STUDENTS ATTENDING COMMUNITY COLLEGES,
5 PUBLIC INSTITUTIONS OF HIGHER LEARNING [AND STATE-RELATED AND
6 STATE-OWNED INSTITUTIONS OF HIGHER LEARNING], STATE-RELATED
7 INSTITUTIONS, STATE-OWNED INSTITUTIONS AND PRIVATE INSTITUTIONS
8 SHALL BE CONSTRUED TO MEAN AND INCLUDE ANY VETERANS, THEIR
9 SPOUSES AND DEPENDENT CHILDREN WHO DO NOT CURRENTLY RESIDE IN
10 PENNSYLVANIA. THE TERM SHALL ALSO BE CONSTRUED TO MEAN AND
11 INCLUDE MILITARY PERSONNEL, THEIR SPOUSES AND DEPENDENT CHILDREN
12 WHO ARE ASSIGNED TO AN ACTIVE DUTY STATION IN PENNSYLVANIA AND
13 WHO RESIDE IN PENNSYLVANIA AND ANY CIVILIAN PERSONNEL, THEIR
14 SPOUSES AND DEPENDENT CHILDREN EMPLOYED AT A DEPARTMENT OF
15 DEFENSE FACILITY WHO ARE TRANSFERRED TO PENNSYLVANIA BY THE
16 DEPARTMENT OF DEFENSE AND WHO RESIDE IN PENNSYLVANIA.

17 (a.1) Public institutions of higher learning [or State- <--
18 related or State-owned], STATE-RELATED INSTITUTIONS, STATE-OWNED <--
19 INSTITUTIONS AND PRIVATE institutions.--Veterans, their spouses
20 and dependent children, military personnel, their spouses and
21 dependent children and civilian personnel, their spouses and
22 dependent children who are admitted to a public institution of
23 higher learning [or a State-related or State-owned], STATE- <--
24 RELATED INSTITUTION, STATE-OWNED INSTITUTION OR PRIVATE
25 institution shall be charged resident tuition rates provided
26 that the student is a resident under this section [on the first
27 day of the semester or term of the institution.] on the date of
28 deposit confirming their intent to enroll, begins enrollment
29 within the corresponding term for which the deposit was made and
30 remains in continuous enrollment at the institution.

(a.2) Community colleges.--Veterans, their spouses and dependent children, military personnel, their spouses and dependent children and civilian personnel, their spouses and dependent children who are admitted to a community college shall be charged the local sponsor rate provided that the student is a resident under this section [on the first day of the semester or term of the college.] on the date of enrollment, registers for the corresponding term and remains in continuous enrollment at the institution.

* * *

(A.3) DISTANCE LEARNING TUITION.--A COMMUNITY COLLEGE, PUBLIC INSTITUTION OF HIGHER LEARNING [OR STATE-RELATED OR STATE-OWNED INSTITUTION OF HIGHER LEARNING], STATE-RELATED INSTITUTION, STATE-OWNED INSTITUTION OR PRIVATE INSTITUTION SHALL CHARGE RESIDENT TUITION RATES TO ANY ACTIVE MILITARY PERSONNEL AND THEIR DEPENDENTS WHO ARE TAKING COLLEGE COURSES OR RECEIVING OTHER EDUCATION SERVICES THROUGH THE INTERNET OR BY OTHER ELECTRONIC MEANS.

(A.4) ELIGIBILITY.--A VETERAN AND HIS SPOUSE AND DEPENDENT CHILDREN OR ANY OTHER INDIVIDUAL SHALL BE CHARGED A RESIDENT TUITION RATE OR LOCAL SPONSOR RATE AS PROVIDED FOR UNDER THIS ACT IF THE INDIVIDUAL IS ELIGIBLE TO RECEIVE BENEFITS UNDER ANY OF THE FOLLOWING:

(1) 10 U.S.C. CHS. 1606 (RELATING TO EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE) AND 1607 (RELATING TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS) .

(2) 38 U.S.C. CH. 30 (RELATING TO ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM) .

1 (3) 38 U.S.C. CH. 31 (RELATING TO TRAINING AND
2 REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED
3 DISABILITIES).

4 (4) 38 U.S.C. CH. 33 (RELATING TO POST-9/11 EDUCATIONAL
5 ASSISTANCE).

6 (A.5) ADDITIONAL ELIGIBILITY.--A CHILD, A SPOUSE OR A
7 SURVIVING SPOUSE WHO IS ELIGIBLE TO RECEIVE BENEFITS UNDER 38
8 U.S.C. CH. 35 (RELATING TO SURVIVORS' AND DEPENDENTS'
9 EDUCATIONAL ASSISTANCE) SHALL ALSO BE CHARGED A RESIDENT TUITION
10 RATE OR LOCAL SPONSOR RATE UNDER THE APPROPRIATE TERMS AND
11 CONDITIONS OF SUBSECTION (A.1), (A.2) OR (A.3).

12 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
13 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN THEM IN THIS
14 SUBSECTION:

15 "COMMUNITY [COLLEGES." INSTITUTIONS NOW OR HEREAFTER CREATED
16 PURSUANT TO] COLLEGE." AN INSTITUTION ESTABLISHED UNDER ARTICLE
17 XIX-A OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE
18 PUBLIC SCHOOL CODE OF 1949, OR THE ACT OF AUGUST 24, 1963
19 (P.L.1132, NO.484), KNOWN AS THE COMMUNITY COLLEGE ACT OF 1963.

20 "LOCAL SPONSOR." A SCHOOL DISTRICT, MUNICIPALITY OR COUNTY
21 BOARD OF SCHOOL DIRECTORS, OR ANY COMBINATION OF SCHOOL
22 DISTRICTS, MUNICIPALITIES OR COUNTY BOARDS OF SCHOOL DIRECTORS,
23 THAT PARTICIPATE OR PROPOSE TO PARTICIPATE IN THE ESTABLISHMENT
24 AND OPERATION OF A COMMUNITY COLLEGE.

25 "LOCAL SPONSOR RATE." THE TUITION CHARGED TO AN INDIVIDUAL
26 WHO IS A RESIDENT OF A SCHOOL DISTRICT OR MUNICIPALITY THAT IS A
27 MEMBER OF THE LOCAL SPONSOR OF THE COMMUNITY COLLEGE.

28 "MEMBER OF A LOCAL SPONSOR." A SCHOOL DISTRICT OR
29 MUNICIPALITY THAT, ALONE OR WITH OTHER DISTRICTS AND
30 MUNICIPALITIES, IS INCLUDED IN A LOCAL SPONSOR.

1 "PRIVATE INSTITUTION." AN INSTITUTION OF HIGHER EDUCATION,
2 OTHER THAN A STATE-RELATED INSTITUTION, THAT RECEIVES A
3 NONPREFERRED APPROPRIATION FROM THE COMMONWEALTH.

4 "PUBLIC INSTITUTION OF HIGHER LEARNING." A PUBLIC
5 INSTITUTION LICENSED OR REGISTERED UNDER THE ACT OF DECEMBER 15,
6 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED SCHOOLS
7 ACT, AND APPROVED TO OFFER A PROGRAM CULMINATING IN AN ASSOCIATE
8 IN SPECIALIZED BUSINESS DEGREE OR AN ASSOCIATE IN SPECIALIZED
9 TECHNOLOGY DEGREE.

10 "STATE-OWNED [INSTITUTIONS." THOSE INSTITUTIONS WHICH ARE]
11 INSTITUTION." AN INSTITUTION THAT IS PART OF THE STATE SYSTEM
12 OF HIGHER EDUCATION PURSUANT TO ARTICLE XX-A OF THE ACT OF MARCH
13 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF
14 1949.

15 "STATE-RELATED [INSTITUTIONS] INSTITUTION." ANY OF THE
16 FOLLOWING INSTITUTIONS, INCLUDING ANY OF THEIR BRANCH CAMPUSES:

17 (1) THE PENNSYLVANIA STATE UNIVERSITY[, THE].

18 (2) THE UNIVERSITY OF PITTSBURGH[,].

19 (3) TEMPLE UNIVERSITY [AND].

20 (4) LINCOLN UNIVERSITY [AND THEIR BRANCH CAMPUSES].

21 "VETERAN." AN INDIVIDUAL WHO SERVED IN THE UNITED STATES
22 ARMED FORCES, INCLUDING A RESERVE COMPONENT OR THE NATIONAL
23 GUARD AND WHO WAS DISCHARGED OR RELEASED FROM SERVICE UNDER
24 CONDITIONS OTHER THAN DISHONORABLE. THE TERM INCLUDES AN
25 INDIVIDUAL DESCRIBED IN 38 U.S.C. § 3319(B) (RELATING TO
26 AUTHORITY TO TRANSFER UNUSED EDUCATION BENEFITS TO FAMILY
27 MEMBERS).

28 Section 2. This act shall take effect in 60 days.