

No. 2006-44

AN ACT

SB 1081

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for limitations and eligibility in educational assistance program.

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

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

§ 3202. Eligibility.

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

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

(2) **[The] *Except as otherwise provided in subsection (c) and section 3206(b)(relating to limitations), the*** member is a member in good standing and has been a satisfactory participant in Pennsylvania National Guard activities for a minimum service period established by the Adjutant General.

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

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

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

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

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

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

(c) Discharge for disability incurred in the line of duty.—A Pennsylvania National Guard member who is discharged for medical disability after September 11, 2001, shall remain eligible to receive a public service educational grant under this chapter if the member meets all of the following eligibility criteria:

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

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

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

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

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

(6) The former member commences a full-time or part-time course of study within two years of medical discharge or within two years of the effective date of this subsection, such course of study having a completion date of not more than six years following the date of medical discharge for members discharged for medical disability on or after the effective date of this subsection or of not more than six years following the effective date of this subsection for members discharged for a medical disability after September 11, 2001, and before the effective date of this subsection. The Adjutant General may for good cause extend these deadlines when the former member's disability is shown to require additional time for the former member to commence or complete a course of study.

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

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

§ 3206. Limitations.

* * *

(b) Active duty.—

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

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

(3) For members discharged because of a disability incurred in the line of duty who are eligible under section 3202(c) (relating to eligibility), the deadline for making grant payments shall be:

(i) Six years after the member's medical discharge for members discharged for a medical disability on or after the effective date of this paragraph unless extended under section 3202 (c)(6).

(ii) Six years following the effective date of this paragraph for members discharged for a medical disability after September 11, 2001, and before the effective date of this paragraph unless extended under section 3202 (c)(6).

Section 3. The amendment or addition of 51 Pa.C.S. §§ 3202(a) and (c) and 3206(b) shall apply to grants awarded for any course of study commenced on or after May 1, 2006.

Section 4. This act shall take effect immediately.

APPROVED—The 11th day of May, A.D. 2006.

EDWARD G. RENDELL