

No. 2015-11

AN ACT

HB 131

Amending the act of December 15, 1982 (P.L.1266, No.287), entitled, as amended, "An act conferring limited residency status on military personnel, their dependents and civilian personnel assigned to an active duty station in Pennsylvania," further providing for attendance at State-related and State-owned institutions of higher learning and community colleges; and providing for applicability and eligibility.

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

Section 1. Section 1 of the act of December 15, 1982 (P.L.1266, No.287), entitled "An act conferring limited residency status on military personnel, their dependents and civilian personnel assigned to an active duty station in Pennsylvania," amended June 28, 1996 (P.L.420, No.60) and July 9, 2010 (P.L.453, No.57), is amended to read:

Section 1. (a) General rule.—The term "resident" or "residency," or any other term or expression used to designate a Commonwealth resident student, when used to determine the rate of tuition to be charged students attending community colleges, *public institutions of higher learning* and State-related and State-owned institutions of higher learning shall be construed to mean and include any *veterans, their spouses and dependent children who do not currently reside in Pennsylvania. The term shall also be construed to mean and include* military personnel [or their dependents], *their spouses and dependent children* who are assigned to an active duty station in Pennsylvania and who reside in Pennsylvania and any civilian personnel [or their dependents], *their spouses and dependent children* employed at a Department of Defense facility who are transferred to Pennsylvania by the Department of Defense and who reside in Pennsylvania. [Military personnel and their dependents]

(a.1) *Public institutions of higher learning or State-related or State-owned institutions.—Veterans, their spouses and dependent children, military personnel, their spouses and dependent children* and civilian personnel [and their dependents], *their spouses and dependent children* who are admitted to [a community college or] a *public institution of higher learning* or a State-related or State-owned institution shall be charged resident tuition rates provided that the student is a resident under this section on the first day of the semester or term of the [college or] 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.*

(a.3) *Distance learning tuition.—A community college, public institution of higher learning* or State-related or State-owned institution of higher learning [may] *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).

(3) 38 U.S.C. Ch. 31 (relating to training and rehabilitation for veterans with service-connected disabilities).

(4) 38 U.S.C. Ch. 33 (relating to post-9/11 educational assistance).

(a.5) Additional eligibility.—*A child, a spouse or a surviving spouse who is eligible to receive benefits under 38 U.S.C. Ch. 35 (relating to survivors' and dependents' educational assistance) shall also be charged a resident tuition rate or local sponsor rate under the appropriate terms and conditions of subsection (a.1), (a.2) or (a.3).*

(b) Definitions.—As used in this section, the following words and phrases shall have the meanings given them in this subsection:

"Community colleges." Institutions now or hereafter created pursuant to Article XIX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or the act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963.

"Local sponsor." *A school district, municipality or county board of school directors, or any combination of school districts, municipalities or county boards of school directors, that participate or propose to participate in the establishment and operation of a community college.*

"Local sponsor rate." *The tuition charged to an individual who is a resident of a school district or municipality that is a member of the local sponsor of the community college.*

"Member of a local sponsor." *A school district or municipality that, alone or with other districts and municipalities, is included in a local sponsor.*

"Public institution of higher learning." *A public institution licensed or registered under the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act, and approved to offer a program culminating in an Associate in Specialized Business degree or an Associate in Specialized Technology degree.*

"State-owned institutions." Those institutions which are part of the State System of Higher Education pursuant to Article XX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"State-related institutions." The Pennsylvania State University, the University of Pittsburgh, Temple University and Lincoln University and their branch campuses.

"Veteran." An individual who served in the United States Armed Forces, including a reserve component or the National Guard and who was discharged or released from service under conditions other than dishonorable. The term includes an individual described in 38 U.S.C. § 3319(b) (relating to authority to transfer unused education benefits to family members).

Section 2. This act shall take effect July 1, 2015, or immediately, whichever is later.

APPROVED—The 29th day of June, A.D. 2015

TOM WOLF