

## No. 2015-83

## AN ACT

SB 1046

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in Pennsylvania National Guard, further providing for retired Pennsylvania National Guard personnel.

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

Section 1. Section 2313 of Title 51 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2313. Retired Pennsylvania National Guard personnel.

(a) Promotions.—Every former officer, warrant officer or enlisted person **[shall, upon application to the Adjutant General after his or her retirement,] may** be promoted to the next higher grade **[in] on** the Pennsylvania National Guard retired list above that presently held in a grade Federally recognized ***upon application and recommendation of the next higher level within the eligible retiree's chain of command*** if the applicant:

(1) has served a total of 25 years in *the* armed forces of the United States or its components, **[ten] 10** years of which includes service in *the* Pennsylvania National Guard with active Federal service counting as double time. The 25 years service shall be such as would be credited for retirement of National Guard and Reserve personnel; or

(2) has attained the grade of major general in the Pennsylvania National Guard and has been Federally recognized in such grade; or

(3) has served ***honorably and with distinction*** in the Pennsylvania ***Army*** National Guard, Pennsylvania ***Air National*** Guard or both for a period of 25 or more years and who has served in his highest grade for at least one year.

Promotion to general officer on the retired list shall not require the consent of the Senate.

***(a.1) Approval process.—A retiree's application for promotion shall be reviewed and approved in accordance with applicable regulations. The Adjutant General retains final approval authority.***

(b) Computation of period of service.—In considering the period of service under this section, **[the military service of personnel in the Pennsylvania National Guard engaged in the service of the United States or active service in the armed forces of the United States shall be included and counted double in calculating the period of service for retirement with increased grade under provisions of this section.] the following applies to calculation of deployment periods:**

***(1) For Pennsylvania National Guard service members deployed outside of the continental United States pursuant to 10 U.S.C. (relating to armed forces), time is doubled for this specific period of service.***

***(2) Pennsylvania National Guard service that counts as double time under paragraph (1) may only be calculated for and applied in the***

*determination of the required years of service in the Pennsylvania National Guard under subsection (a)(1).*

(c) Wearing uniform following retirement.—All retired officers and enlisted personnel [**shall be**] *are only* entitled to wear the uniform *and rank insignia* of their *federally recognized* grade [**as retired officers and enlisted personnel of the Pennsylvania National Guard**] on all proper military and semi-military occasions [**within this Commonwealth**] *in accordance with all applicable military uniform regulations.*

(d) Applicability of section.—The provisions of retirement with increased rank shall be applicable when applied to officers retired prior to the effective date of this section and the provisions of this section shall apply to deceased officers on the retired list upon proper application to the Adjutant General by some duly recognized veterans' organization.

Section 2. The Adjutant General shall promulgate rules and regulations to administer and enforce the amendment of 51 Pa.C.S. § 2313.

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

APPROVED—The 17th day of December, A.D. 2015

TOM WOLF