

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 131 Session of
2015

INTRODUCED BY BARRAR, V. BROWN, CONKLIN, DAVIDSON, DEASY,
GABLER, A. HARRIS, JAMES, MACKENZIE, READSHAW, SCHLOSSBERG,
TALLMAN, GILLEN, KORTZ, GIBBONS, DEAN, FARRY, BROWNLEE,
DAVIS, SIMS, MOUL AND BARBIN, JANUARY 21, 2015

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 22, 2015

AN ACT

1 Amending the act of December 15, 1982 (P.L.1266, No.287),
2 entitled, as amended, "An act conferring limited residency
3 status on military personnel, their dependents and civilian
4 personnel assigned to an active duty station in
5 Pennsylvania," further providing for attendance at State-
6 related and State-owned institutions of higher learning and
7 community colleges; AND PROVIDING FOR APPLICABILITY AND
8 ELIGIBILITY. <--

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

11 Section 1. Section 1 of the act of December 15, 1982
12 (P.L.1266, No.287), entitled "An act conferring limited
13 residency status on military personnel, their dependents and
14 civilian personnel assigned to an active duty station in
15 Pennsylvania," amended June 28, 1996 (P.L.420, No.60) and July
16 9, 2010 (P.L.453, No.57), is amended to read:

17 Section 1. (a) General rule.--The term "resident" or
18 "residency," or any other term or expression used to designate a
19 Commonwealth resident student, when used to determine the rate

1 of tuition to be charged students attending community colleges, <--
2 PUBLIC INSTITUTIONS OF HIGHER LEARNING AND State-related and
3 State-owned institutions of higher learning shall be construed
4 to mean and include any veterans, their spouses and dependent
5 children who do not currently reside in Pennsylvania. The term
6 shall also be construed to mean and include military personnel
7 [or their dependents], their spouses and dependent children who
8 are assigned to an active duty station in Pennsylvania and who
9 reside in Pennsylvania and any civilian personnel [or their
10 dependents], their spouses and dependent children employed at a
11 Department of Defense facility who are transferred to
12 Pennsylvania by the Department of Defense and who reside in
13 Pennsylvania. [Military personnel and their dependents]

14 (a.1) PUBLIC INSTITUTIONS OF HIGHER LEARNING OR State- <--
15 related or State-owned institutions.--Veterans, their spouses
16 and dependent children, military personnel, their spouses and
17 dependent children and civilian personnel [and their
18 dependents], their spouses and dependent children who are
19 admitted to [a community college or] a PUBLIC INSTITUTION OF <--
20 HIGHER LEARNING OR A State-related or State-owned institution
21 shall be charged resident tuition rates provided that the
22 student is a resident under this section on the first day of the
23 semester or term of the [college or] institution.

24 (a.2) Community colleges.--Veterans, their spouses and
25 dependent children, military personnel, their spouses and
26 dependent children and civilian personnel, their spouses and
27 dependent children who are admitted to a community college shall
28 be charged the local sponsor rate provided that the student is a
29 resident under this section on the first day of the semester or
30 term of the college.

1 (a.3) Distance learning tuition.--A community college,
2 PUBLIC INSTITUTION OF HIGHER LEARNING OR State-related or State- <--
3 owned institution of higher learning [may] shall charge resident
4 tuition rates to any active military personnel and their
5 dependents who are taking college courses or receiving other
6 education services through the Internet or by other electronic
7 means.

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

13 (1) 10 U.S.C. CHS. 1606 (RELATING TO EDUCATIONAL
14 ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE) AND 1607
15 (RELATING TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT
16 MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER
17 OPERATIONS).

18 (2) 38 U.S.C. CH. 30 (RELATING TO ALL-VOLUNTEER FORCE
19 EDUCATIONAL ASSISTANCE PROGRAM).

20 (3) 38 U.S.C. CH. 31 (RELATING TO TRAINING AND
21 REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED
22 DISABILITIES).

23 (4) 38 U.S.C. CH. 33 (RELATING TO POST-9/11 EDUCATIONAL
24 ASSISTANCE).

25 ~~(a.4)~~ (A.5) Additional eligibility.--A child, a spouse or a <--
26 surviving spouse who is eligible to receive benefits under 38
27 U.S.C. Ch. 35 (relating to survivors' and dependents'
28 educational assistance) shall also be charged a resident tuition
29 rate or local sponsor rate under the appropriate terms and
30 conditions of subsection (a.1), (a.2) or (a.3).

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

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

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

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

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

20 "PUBLIC INSTITUTION OF HIGHER LEARNING." A PUBLIC <--
21 INSTITUTION LICENSED OR REGISTERED UNDER THE ACT OF DECEMBER 15,
22 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED SCHOOLS
23 ACT, AND APPROVED TO OFFER A PROGRAM CULMINATING IN AN ASSOCIATE
24 IN SPECIALIZED BUSINESS DEGREE OR AN ASSOCIATE IN SPECIALIZED
25 TECHNOLOGY DEGREE.

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

30 "State-related institutions." The Pennsylvania State

1 University, the University of Pittsburgh, Temple University and
2 Lincoln University and their branch campuses.

3 "Veteran." An individual who served in the United States
4 Armed Forces, including a reserve component or National Guard
5 and who was discharged or released from service under conditions
6 other than dishonorable and is eligible to receive benefits <--
7 under 10 U.S.C. Chs. 1606 (relating to educational assistance
8 for members of the selected reserve) and 1607 (relating to
9 educational assistance for reserve component members supporting
10 contingency operations and certain other operations) and 38
11 U.S.C. Chs. 30 (relating to all volunteer force educational
12 assistance program), 31 (relating to training and rehabilitation
13 for veterans with service connected disabilities) and 33
14 (relating to post 9/11 educational assistance). THE TERM <--
15 INCLUDES AN INDIVIDUAL DESCRIBED IN 33 38 U.S.C. § 3319(B) ◀
16 (RELATING TO AUTHORITY TO TRANSFER UNUSED EDUCATION BENEFITS TO
17 FAMILY MEMBERS).

18 Section 2. This act shall take effect ~~immediately~~ JULY 1, <--
19 2015, OR IMMEDIATELY, WHICHEVER IS LATER.