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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1046 Session of  
2015

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INTRODUCED BY VULAKOVICH, COSTA, BAKER, BREWSTER, FONTANA,  
RAFFERTY, SABATINA AND YUDICHAK, OCTOBER 23, 2015

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
OCTOBER 23, 2015

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AN ACT

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

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

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

9 § 2313. Retired Pennsylvania National Guard personnel.

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

17 (1) has served a total of 25 years in the armed forces  
18 of the United States or its components, [ten] 10 years of

1 which includes service in the Pennsylvania National Guard  
2 with active Federal service counting as double time. The 25  
3 years service shall be such as would be credited for  
4 retirement of National Guard and Reserve personnel; or

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

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

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

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

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

26 (1) For Pennsylvania National Guard service members  
27 deployed outside of the continental United States pursuant to  
28 10 U.S.C. (relating to armed forces), time is doubled for  
29 this specific period of service.

30 (2) Pennsylvania National Guard service that counts as

1 double time under paragraph (1) may only be calculated for  
2 and applied in the determination of the required years of  
3 service in the Pennsylvania National Guard under subsection  
4 (a) (1).

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

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

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

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