
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1043 Session of
2006

INTRODUCED BY D. WHITE, GREENLEAF, KASUNIC, LAVALLE, FONTANA,
CORMAN, ROBBINS, BOSCOLA, COSTA, PUNT, MUSTO, RAFFERTY,
M. WHITE, MADIGAN, WENGER, WAUGH, PIPPY, O'PAKE, TARTAGLIONE,
MELLOW, WONDERLING, ERICKSON, LEMMOND, KITCHEN, BROWNE,
STACK, REGOLA, PICCOLA, C. WILLIAMS AND ARMSTRONG,
JANUARY 19, 2006

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 26, 2006

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, further providing for ASSOCIATION <—
3 GROUP LIFE INSURANCE FOR PENNSYLVANIA NATIONAL GUARD AND FOR
4 tuition costs and fees for children and spouses of deceased
5 soldiers.

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

8 ~~Section 1. Section 3503 of Title 51 of the Pennsylvania~~ <—
9 ~~Consolidated Statutes is amended to read:~~

10 SECTION 1. SECTIONS 3105 AND 3503 OF TITLE 51 OF THE <—
11 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

12 § 3105. ASSOCIATION GROUP LIFE INSURANCE FOR PENNSYLVANIA
13 NATIONAL GUARD.

14 (A) VOLUNTARY PARTICIPATION FOR GROUP LIFE INSURANCE.--THE
15 ADJUTANT GENERAL MAY APPROVE ISSUANCE OF GROUP LIFE INSURANCE TO
16 NONPROFIT MEMBERSHIP ASSOCIATIONS FOR MEMBERS OF THE

1 PENNSYLVANIA NATIONAL GUARD, SUBJECT TO THE FOLLOWING
2 REQUIREMENTS:

3 (1) THE MEMBERS ELIGIBLE FOR INSURANCE UNDER THE POLICY
4 SHALL ALL BE MEMBERS OF THE PENNSYLVANIA NATIONAL GUARD OR
5 THEIR SPOUSES OR DEPENDENTS. A MEMBER OF THE PENNSYLVANIA
6 NATIONAL GUARD WHO BECOMES INSURED UNDER THIS PROGRAM WHILE A
7 MEMBER MAY CONTINUE THE INSURANCE, INCLUDING GROUP TERM LIFE
8 INSURANCE, AFTER DISCHARGE OR RETIREMENT FROM THE
9 PENNSYLVANIA NATIONAL GUARD.

10 (2) THE PREMIUM FOR THE POLICY SHALL BE PAID BY THE
11 INDIVIDUAL MEMBERS OF THE PENNSYLVANIA NATIONAL GUARD OR
12 THEIR SPOUSES OR DEPENDENTS WHO ELECT TO PARTICIPATE IN THE
13 INSURANCE PLAN EITHER BY DIRECT PAYMENT OR BY ALLOTMENT FROM
14 MILITARY PAY. AN INDIVIDUAL FAMILY MEMBER MAY INSURE HIS
15 SPOUSE OR DEPENDENT WITHOUT THEIR SIGNATURE OR APPROVAL.

16 (3) THE POLICY MUST COVER AT LEAST 25 MEMBERS OF THE
17 PENNSYLVANIA NATIONAL GUARD AT THE TIME OF ISSUE.

18 (4) THE AMOUNTS OF INSURANCE UNDER THE POLICY MUST NOT
19 EXCEED [\$100,000] \$400,000 PER INDIVIDUAL INSURED MEMBER AND
20 [\$25,000] \$100,000 PER INSURED SPOUSE OR DEPENDENT.

21 (5) PARTICIPATION IN THE INSURANCE PLAN MUST BE
22 VOLUNTARY.

23 (6) EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION, THE
24 POLICY OR POLICIES MUST COMPLY WITH THE PROVISIONS OF THE ACT
25 OF MAY 11, 1949 (P.L.1210, NO.367), REFERRED TO AS THE GROUP
26 LIFE INSURANCE POLICY LAW, AND BE APPROVED BY THE INSURANCE
27 COMMISSIONER AND THE ADJUTANT GENERAL.

28 (7) THE SAME POLICY CAN BE MADE AVAILABLE TO ANY
29 PENNSYLVANIA RESIDENT WHO IS A MEMBER OF A RESERVE COMPONENT
30 OF THE ARMED FORCES.

1 (B) GROUP LIFE INSURANCE FOR ELIGIBLE MEMBERS.--THE ADJUTANT
2 GENERAL SHALL APPROVE ISSUANCE OF GROUP LIFE INSURANCE TO
3 NONPROFIT MEMBERSHIP ASSOCIATIONS FOR ELIGIBLE MEMBERS OF THE
4 PENNSYLVANIA NATIONAL GUARD, SUBJECT TO THE FOLLOWING:

5 (1) FOR ELIGIBLE MEMBERS OF THE PENNSYLVANIA NATIONAL
6 GUARD, THE COMMONWEALTH SHALL PAY PREMIUMS NOT OTHERWISE PAID
7 BY THE FEDERAL GOVERNMENT SO THAT ELIGIBLE MEMBERS HAVE LIFE
8 INSURANCE COVERAGE EQUAL TO THE MAXIMUM AVAILABLE
9 SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE. PREMIUM
10 PAYMENTS MAY TAKE ONE OF THE FOLLOWING FORMS:

11 (I) PURCHASE OF COVERAGE UNDER SUBSECTION (A) IN AN
12 AMOUNT EQUAL TO THE DIFFERENCE BETWEEN:

13 (A) THE MAXIMUM COVERAGE UNDER THE FEDERAL
14 SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM; AND

15 (B) THE AMOUNT OF SERVICEMEMBERS' GROUP LIFE
16 INSURANCE COVERAGE PAID BY THE FEDERAL GOVERNMENT.

17 (II) PAYMENT OR REIMBURSEMENT OF THE DIFFERENCE IN
18 PREMIUMS TO THE ELIGIBLE MEMBERS OF THE PENNSYLVANIA
19 NATIONAL GUARD.

20 (2) IN THE CASE OF AN ELIGIBLE MEMBER OF THE
21 PENNSYLVANIA NATIONAL GUARD WHO WAS KILLED IN THE LINE OF
22 DUTY AFTER SEPTEMBER 11, 2001, AND BEFORE THE EFFECTIVE DATE
23 OF THIS SUBSECTION, THE COMMONWEALTH SHALL PAY THE DESIGNATED
24 BENEFICIARY OF THE MEMBER OR, IF NONE, THE MEMBER'S NEXT OF
25 KIN, AN AMOUNT EQUAL TO THE GREATER OF THE PREMIUMS PAID FOR
26 SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR THE PERIOD
27 THE ELIGIBLE MEMBER WAS DEPLOYED OR, IF THE MEMBER DID NOT
28 ELECT THE MAXIMUM COVERAGE, THE DIFFERENCE BETWEEN THE
29 MAXIMUM COVERAGE IN EFFECT AT THE TIME THE ELIGIBLE MEMBER
30 WAS KILLED AND THE AMOUNT OF COVERAGE ELECTED BY THE MEMBER.

1 (3) THE DEPARTMENT SHALL PROMULGATE REGULATIONS FOR THE
2 ADMINISTRATION OF THIS SUBSECTION.

3 (C) DEFINITION.--AS USED IN THIS SECTION, THE TERM "ELIGIBLE
4 MEMBER OF THE PENNSYLVANIA NATIONAL GUARD" SHALL MEAN:

5 (1) MEMBERS OF THE PENNSYLVANIA NATIONAL GUARD ORDERED
6 TO ACTIVE FEDERAL SERVICE FOR A PERIOD OF 30 OR MORE
7 CONSECUTIVE DAYS WHILE PREPARING TO DEPLOY, DEPLOYED AND
8 DEMOBILIZING FROM DEPLOYMENT, TO AREAS OR OPERATIONS
9 DESIGNATED BY THE SECRETARY OF DEFENSE AS "ZONES OF COMBAT"
10 OR "COMBAT OPERATIONS"; AND

11 (2) MEMBERS OF THE PENNSYLVANIA NATIONAL GUARD ORDERED
12 TO ACTIVE STATE DUTY FOR EMERGENCIES UNDER SECTION 508
13 (RELATING TO ACTIVE DUTY FOR EMERGENCY) OR 35 PA.C.S. § 7601
14 (RELATING TO COMPACT ENACTED) FOR A PERIOD OF 30 OR MORE
15 CONSECUTIVE DAYS.

16 § 3503. Tuition [credit] waiver for children and spouses of
17 deceased soldiers.

18 (a) [General rule] Children.--The children of members of the
19 Pennsylvania National Guard who were killed or die as a result
20 of injuries received while [in State active duty] performing
21 duty in an official duty status authorized under Federal or
22 State law shall be entitled to a [50% tuition credit] waiver of
23 all tuition costs and fees remaining after receipt of other
24 scholarships and education benefits and Federal and State
25 grants, including, but not limited to, educational gratuities
26 for which the children are or may be eligible under the act of
27 December 16, 1998 (P.L.980, No.129), known as the Police
28 Officer, Firefighter, Correction Employee and National Guard
29 Member Child Beneficiary Education Act, at all Pennsylvania
30 State-owned colleges or universities [or], approved trade

1 schools, State-related institutions of higher learning or
2 community colleges in this Commonwealth for a period not
3 exceeding eight semesters or four years, whichever is greater.
4 In order to be eligible for waiver of tuition and fees under
5 this section, the member of the Pennsylvania National Guard must
6 have been a bona fide resident of Pennsylvania at the time of
7 his death and the member's children must be bona fide residents
8 of Pennsylvania, eligible for resident tuition at the
9 institution to which they have applied, at the time they apply
10 for the tuition and fee waiver.

11 (a.1) Spouses.--The spouse of a member of the Pennsylvania
12 National Guard who was killed or dies as a result of injuries
13 received while performing duty in an official duty status
14 authorized under Federal or State law shall be entitled to a
15 waiver of all tuition costs and fees remaining after receipt of
16 other scholarships and education benefits and Federal and State
17 grants at any Pennsylvania State-owned college or university,
18 approved trade school, State-related institution of higher
19 learning or community college in this Commonwealth for a period
20 not exceeding eight semesters or four years, whichever is
21 greater. A spouse shall be eligible for a waiver of all tuition
22 costs and fees remaining after receipt of other scholarships and
23 education benefits and Federal and State grants under this
24 subsection for a period not to exceed ten years from the date
25 the member is killed or dies as a result of injuries while in
26 Federal or State active duty or until the spouse remarries,
27 whichever occurs first. In order to be eligible for waiver of
28 tuition and fees under this section, the member of the
29 Pennsylvania National Guard must have been a bona fide resident
30 of Pennsylvania at the time of his death and the member's spouse

1 must be a bona fide resident of Pennsylvania, eligible for
2 resident tuition at the institution to which the spouse has
3 applied, at the time the spouse applies for the tuition and fee
4 waiver.

5 (b) Department to administer program.--The department shall
6 adopt rules and regulations to carry out the provisions of this
7 section and shall administer the tuition [credit] cost and fee
8 waiver program established under this section.

9 Section 2. This act shall take effect in 60 days.