

No. 2006-105

AN ACT

SB 1043

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for association group life insurance for Pennsylvania National Guard and for tuition costs and fees for children and spouses of deceased soldiers.

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

Section 1. Sections 3105 and 3503 of Title 51 of the Pennsylvania Consolidated Statutes are amended to read:

§ 3105. Association group life insurance for Pennsylvania National Guard.

(a) Voluntary participation for group life insurance.—The Adjutant General may approve issuance of group life insurance to nonprofit membership associations for members of the Pennsylvania National Guard, subject to the following requirements:

(1) The members eligible for insurance under the policy shall all be members of the Pennsylvania National Guard or their spouses or dependents. A member of the Pennsylvania National Guard who becomes insured under this program while a member may continue the insurance, including group term life insurance, after discharge or retirement from the Pennsylvania National Guard.

(2) The premium for the policy shall be paid by the individual members of the Pennsylvania National Guard or their spouses or dependents who elect to participate in the insurance plan either by direct payment or by allotment from military pay. An individual family member may insure his spouse or dependent without their signature or approval.

(3) The policy must cover at least 25 members of the Pennsylvania National Guard at the time of issue.

(4) The amounts of insurance under the policy must not exceed ~~[\$100,000]~~ \$400,000 per individual insured member and ~~[\$25,000]~~ \$100,000 per insured spouse or dependent.

(5) Participation in the insurance plan must be voluntary.

(6) Except as otherwise provided by this section, the policy or policies must comply with the provisions of the act of May 11, 1949 (P.L.1210, No.367), referred to as the Group Life Insurance Policy Law, and be approved by the Insurance Commissioner and the Adjutant General.

(7) The same policy can be made available to any Pennsylvania resident who is a member of a reserve component of the armed forces.

(b) Group life insurance for eligible members.—*The Adjutant General shall approve issuance of group life insurance to nonprofit membership associations for eligible members of the Pennsylvania National Guard, subject to the following:*

(1) For eligible members of the Pennsylvania National Guard, the Commonwealth shall pay premiums not otherwise paid by the Federal Government so that eligible members have life insurance coverage equal to the maximum available Servicemembers' Group Life Insurance coverage. Premium payments may take one of the following forms:

(i) Purchase of coverage under subsection (a) in an amount equal to the difference between:

(A) the maximum coverage under the Federal Servicemembers' Group Life Insurance program; and

(B) the amount of Servicemembers' Group Life Insurance coverage paid by the Federal Government.

(ii) Payment or reimbursement of the difference in premiums to the eligible members of the Pennsylvania National Guard.

(2) In the case of an eligible member of the Pennsylvania National Guard who was killed in the line of duty after September 11, 2001, and before the effective date of this subsection, the Commonwealth shall pay the designated beneficiary of the member or, if none, the member's next of kin an amount equal to the greater of the premiums paid for Servicemembers' Group Life Insurance coverage for the period the eligible member was deployed or, if the member did not elect the maximum coverage, the difference between the maximum coverage in effect at the time the eligible member was killed and the amount of coverage elected by the member.

(3) The department shall promulgate regulations for the administration of this subsection.

(c) Definition.—As used in this section, the term “eligible member of the Pennsylvania National Guard” shall mean:

(1) members of the Pennsylvania National Guard ordered to active Federal service for a period of 30 or more consecutive days while preparing to deploy, deployed and demobilizing from deployment, to areas or operations designated by the Secretary of Defense as “zones of combat” or “combat operations”; and

(2) members of the Pennsylvania National Guard ordered to active State duty for emergencies under section 508 (relating to active duty for emergency) or 35 Pa.C.S. § 7601 (relating to compact enacted) for a period of 30 or more consecutive days.

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

(a) [General rule] Children.—The children of members of the Pennsylvania National Guard who were killed or die as a result of injuries received while [in State active duty] performing duty in an official duty status authorized under Federal or State law shall be entitled to a [50% tuition credit] waiver of all tuition costs and fees remaining after receipt of other scholarships and education benefits and Federal and State grants,

including, but not limited to, educational gratuities for which the children are or may be eligible under the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, at all Pennsylvania State-owned colleges or universities [or], approved trade schools, State-related institutions of higher learning or community colleges in this Commonwealth for a period not exceeding eight semesters or four years, whichever is greater. In order to be eligible for waiver of tuition and fees under this section, the member of the Pennsylvania National Guard must have been a bona fide resident of Pennsylvania at the time of his death, and the member's children must be bona fide residents of Pennsylvania, eligible for resident tuition at the institution to which they have applied, at the time they apply for the tuition and fee waiver.

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

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

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

APPROVED—The 7th day of July, A.D. 2006.

EDWARD G. RENDELL