

20101763D

HOUSE BILL NO. 604

Offered January 8, 2020

Prefiled January 6, 2020

A BILL to amend and reenact § 23.1-610 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 44 a section numbered 44-41.3, relating to Virginia National Guard member benefits; health savings accounts.

Patron—Freitas

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-610 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 44 a section numbered 44-41.3 as follows:

§ 23.1-610. Members of the National Guard; grants.

A. Any individual who (i) is a member of the Virginia National Guard and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education is eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the National Guard. Application for a grant shall be made to the Department of Military Affairs. Grants shall be awarded from funds made available for the purpose by the Department of Military Affairs.

B. Notwithstanding the requirement in subsection A that a member of the Virginia National Guard have a minimum of two years remaining on his service obligation, if a member is activated or deployed for federal military service, an additional day shall be added to the member's eligibility for the grant for each day of active federal service, up to 365 days. Additional credit or credit for state duty may be given at the discretion of the Adjutant General.

C. Any member of the Virginia National Guard receiving a benefit pursuant to § 44-41.3 shall not be eligible to receive any grant pursuant to this section in the same year.

§ 44-41.3. Health savings accounts for members of the National Guard.

A. For the purposes of this section:

"Department" means the Department of Military Affairs.

"Member" means a member of the Virginia National Guard.

"Health savings account" means the same as that term is defined in § 38.2-5604.

B. The Department shall establish a health savings account for any individual who (i) is a member of the Virginia National Guard and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, (iv) is eligible for such an account pursuant to § 223 of the Internal Revenue Code, and (v) elects to receive a benefit under this section in lieu of a grant under § 23.1-610. The Department shall contribute an amount equal to any contribution made by the member up to the maximum yearly contribution allowable under § 223 of the Internal Revenue Code.

C. In the event that a member ceases to be eligible for a health savings account under § 223 of the Internal Revenue Code, whether by reason of being called to active duty military service or otherwise, the Department shall cease making contributions to the account, and shall provide notice to the member of the loss of eligibility.

D. The Department may establish the health savings accounts required by this section with any provider of such accounts pursuant to § 38.2-5602.1.

INTRODUCED

HB604