

No. 1980-225

AN ACT

HB 340

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for pensions and tuition credits for deceased soldier's dependents.

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

Section 1. Section 3502 of Title 51, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended and a section is added to read:

§ 3502. Deceased soldier's dependents' pension.

(a) Amount and persons entitled.—A pension may be paid to either the widow or widower or minor children or dependent parent of any member of the Pennsylvania National Guard, who may die from injuries received, or who may be killed while in active service, under orders of the Governor, which active service shall include participation in armory assemblies or participation in aerial flights incidental to training. Such pension shall be computed on the following basis and distributed to the following persons monthly:

(1) To each minor child, if there is no widow or widower entitled to compensation, [~~\$50~~] \$75, with [~~\$25~~] \$50 for each child in excess of two, with a maximum of [~~\$150~~] \$200 to be paid to their guardian.

(2) To the widow or widower, if there are no children, [~~\$50~~] \$100.

(3) To the widow or widower, if there is one child, [~~\$75~~] \$150.

(4) To the widow or widower, if there are two children, [~~\$100~~] \$200.

(5) To the widow or widower, if there are three children, [~~\$125~~] \$250.

(6) To the widow or widower, if there are four or more children, [~~\$150~~] \$300.

(7) To the father and mother, if there is no widow, widower, or children, if dependent to any extent upon the member for support at the time of his death, [~~\$50~~] \$100.

(b) Workmen's compensation.—Such pension shall be in addition to any relief in the form of compensation determined under the Workmen's Compensation Law of Pennsylvania as authorized by section 3501 (relating to relief for disability incurred in active State service).

(c) Claims.—All claims for pension under this section shall be made to the department, which shall establish rules governing the

filing of such claims. The department shall investigate all circumstances connected with the death of the person and make a recommendation to the Adjutant General as to the granting of a pension. If a pension is granted, it shall be paid [quarterly] *monthly* in the manner provided by law.

(d) Term and removal.—No pension granted under this section shall be granted for a longer period than [five] *ten* years; but [may be renewed, for a further period of five years, upon satisfactory evidence of the dependency of the pensioner being submitted or obtained by the department] *in the case of minor children of a deceased member, the pension shall be paid until the minor child reaches 18 years of age.*

(e) Revocation.—The department shall have power to revoke any pension granted under this section when it shall be shown to the satisfaction of the department that the pensioner is no longer in a state of dependency.

(f) Exemption.—The provisions of this section shall not apply to any member of the Pennsylvania National Guard while in the service of the United States, in case of war, or under the orders of the President of the United States.

(g) Appropriation.—The necessary appropriation to pay any pensions granted under this section shall, at each regular session of the General Assembly, be included in the items pertaining to the department, in the act of Assembly providing for the ordinary expenses of the Executive, Judicial, and Legislative Departments of the Commonwealth.

§ 3503. Tuition credit for children of deceased soldiers.

(a) *General rule.—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 shall be entitled to a 50% tuition credit at all Pennsylvania State-owned colleges or universities or approved trade schools in this Commonwealth for a period not exceeding eight semesters or four years, whichever is greater.*

(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 program established under this section.*

Section 2. This act shall take effect immediately and shall apply to the fiscal year commencing July 1, 1979 and each fiscal year thereafter.

APPROVED—The 18th day of December, A. D. 1980.

DICK THORNBURGH