

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 322

Short Title: Veteran's Children Scholarships.

(Public)

Sponsors: Senators Pollard; Allran, Blackmon, Bryan, Carpenter, Carter, Cochrane, Daughtry, Forrester, Hartsell, Kincaid, Shaw, and Tally.

Referred to: Higher Education.

March 27, 1991

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE STATUTES COVERING SCHOLARSHIPS FOR CHILDREN OF WAR VETERANS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 165-20 reads as rewritten:

"§ 165-20. Definitions.

As used in this Article the terms defined in this section shall have the following meaning:

- (1) 'Active federal service' means full-time duty in the armed forces other than active duty for training; however, if disability or death occurs while on active duty for training (i) as a direct result of armed conflict or (ii) while engaged in extra-hazardous service, including such service under conditions simulating war, such active duty for training shall be considered as active federal service.
- (2) 'Armed forces' means the army, navy, marine corps, air force and coast guard, including their reserve components.
- (3) 'Child' means a person who has completed high school or its equivalent prior to receipt of a scholarship as may be awarded under this Article, who has complied with the requirements of the Selective Service System, if applicable, and who further meets one of the following requirements:
 - a. A person whose veteran parent was a legal resident of North Carolina at the time of said veteran's entrance into that period of

- 1 service in the armed forces during which eligibility is
2 established under G.S. 165-22.
- 3 b. A veteran's child who was born in North Carolina and has lived
4 in North Carolina continuously since birth. Provided, that the
5 requirement in the preceding sentence as to birth in North
6 Carolina may be waived by the Department of Administration if
7 it is shown to the satisfaction of the Department that the child's
8 mother was a native-born resident of North Carolina and was
9 such resident at the time of her marriage to the veteran and was
10 outside the State temporarily at the time of the child's birth,
11 following which the child was returned to North Carolina
12 within a reasonable period of time where said child has since
13 lived continuously.
- 14 c. A person meeting either of the requirements set forth in
15 subdivision (3)a or b above, and who was legally adopted by
16 the veteran prior to said person's reaching the age of 15 years.
- 17 (4) 'Period of war' and 'wartime' shall mean any of the periods or
18 circumstances as defined below:
- 19 a. World War I, meaning (i) the period beginning on April 6, 1917
20 and ending on November 11, 1918, and (ii) in the case of a
21 veteran who served with the United States armed forces in
22 Russia, the period beginning on April 6, 1917 and ending on
23 April 1, 1920.
- 24 b. World War II, meaning the period beginning on December 7,
25 1941 and ending on December 31, 1946.
- 26 c. Korean Conflict, meaning the period beginning on June 27,
27 1950 and ending on January 31, 1955.
- 28 d. Vietnam era, meaning the period beginning on August 5, 1964,
29 and ending on May 7, 1975.
- 30 d1. Persian Gulf War, meaning the period beginning on August 2,
31 1990, and ending on the date prescribed by Presidential
32 proclamation or concurrent resolution by the United States
33 Congress.
- 34 e. Any period of service in the armed forces during which the
35 veteran parent of an applicant for a scholarship under this
36 Article suffered death or disability (i) as a direct result of armed
37 conflict or (ii) while engaged in extra-hazardous service,
38 including such service under conditions simulating war.
- 39 (5) 'Private educational institution' means any junior college, senior
40 college or university which is operated and governed by private
41 interests not under the control of the federal, State or any local
42 government, which is located within the State of North Carolina,
43 which does not operate for profit, whose curriculum is primarily
44 directed toward the awarding of associate, baccalaureate or graduate

degrees, which agrees to the applicable administration and funding provisions of G.S. 165-22.1, of this Article, and which is otherwise approved by the State Board of Veterans Affairs.

(6) 'State educational institution' means any educational institution of higher learning which is owned and operated by the State of North Carolina, or any community college operated under the provisions of Chapter 115A and Article 3 of Chapter 116 of the General Statutes of North Carolina, or the college program of the North Carolina School of the Arts, or any technical institute operated under the provisions of Chapter 115A of the General Statutes of North Carolina.

(7) 'Veteran' means a person who served as a member of the armed forces of the United States in active federal service during a period of war and who was separated from the armed forces under conditions other than dishonorable. A person who was separated from the armed forces under conditions other than dishonorable and whose death or disability was incurred (i) as a direct result of armed conflict or (ii) while engaged in extra-hazardous service, including such service under conditions simulating war, shall also be deemed a 'veteran' and such death or disability shall be considered wartime service-connected."

Sec. 2. G.S. 165-22 reads as rewritten:

"§ 165-22. Classes or categories of eligibility under which scholarships may be awarded.

A child, as defined in this Article, who falls within the provisions of any eligibility class described below shall, upon proper application be considered for a scholarship, subject to the provisions and limitations set forth for the class under which he is considered:

(1) Class I-A: Under this class a scholarship shall be awarded to any child whose veteran parent

a. Was killed in action or died from wounds or other causes not due to his own wilful misconduct while a member of the armed forces during a period of war, or

b. Has died of service-connected injuries, wounds, illness or other causes incurred or aggravated during wartime service in the armed forces, as rated by the United States Department of Veterans Administration-Affairs.

(2) Class I-B: Under this class a limited scholarship providing only those benefits set forth in G.S. 165-21(1)a and d and 165-21(2) of this Article, shall be awarded to any child whose veteran parent, at the time the benefits pursuant to this Article are sought to be availed of, is or was at the time of his death receiving compensation for a wartime service-connected disability of one hundred percent (100%) as rated by the United States Department of Veterans Administration-Affairs. Provided, that if the veteran parent of a recipient under this class should die of his wartime service-connected condition before the

1 recipient shall have utilized all of his scholarship eligibility time, then
2 the North Carolina Department of Administration shall amend the
3 recipient's award from Class I-B to Class I-A for the remainder of the
4 recipient's eligibility time. The effective date of such an amended
5 award shall be determined by the Department of Administration, but,
6 in no event shall it predate the date of the veteran parent's death.

7 (3) Class II: Under this class a scholarship may be awarded to not more
8 than 100 children yearly, each of whose veteran parent, at the time the
9 benefits pursuant to this Article are sought to be availed of:

10 a. Is or was at the time of his death receiving compensation for a
11 wartime service-connected disability of twenty percent (20%)
12 or more, but less than one hundred percent (100%), as rated by
13 the United States Department of Veterans Administration,
14 Affairs, or

15 b. Is or was at the time of his death receiving wartime
16 compensation for a statutory award for arrested pulmonary
17 tuberculosis, as rated by the United States Department of
18 Veterans Administration. ~~Affairs.~~

19 (4) Class III: Under this class a scholarship may be awarded to not more
20 than 100 children yearly, each of whose veteran parent, at the time the
21 benefits pursuant to this Article are sought to be availed of:

22 a. Is or was at the time of his death drawing pension for
23 permanent and total disability, nonservice-connected, as rated
24 by the United States Department of Veterans Administration,
25 Affairs, or

26 b. Is deceased and who does not fall within the provisions of any
27 other eligibility class described in G.S. 165-22(1), (2), (3), (4)a.,
28 nor (5) provided such child is less than 23 years of age at the
29 time of application for such scholarship.

30 (5) Class IV: Under this class a scholarship as defined in G.S. 165-21 shall
31 be awarded to any child whose parent, while serving honorably as a
32 member of the armed forces of the United States in active federal
33 service during a period of war, as defined in G.S. 165-20(4), was listed
34 by the United States government as (i) missing in action, (ii) captured
35 in line of duty by a hostile force, or (iii) forcibly detained or interned
36 in line of duty by a foreign government or power."

37 Sec. 3. This act is effective upon ratification.