

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1647

Short Title: Scholarships for Children of War Veterans. (Public)

Sponsors: Representatives Smith; and Sutton.

Referred to: Rules, Calendar, and Operations of the House.

June 13, 2002

A BILL TO BE ENTITLED
AN ACT MODIFYING THE STATUTES RELATING TO SCHOLARSHIPS FOR
CHILDREN OF WAR VETERANS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 165-20(3) reads as rewritten:

"§ 165-20. Definitions.

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

...

(3) 'Child' means a person: (i) under 26 years of age at the time of application for a scholarship, (ii) who is a domiciliary of North Carolina and is a resident of North Carolina when applying for a scholarship, ~~(ii) who is a senior in high school or its equivalent and who will graduate at the end of the academic year or a person~~ (iii) who has completed high school or its equivalent, ~~(iii) equivalent prior to receipt of a scholarship awarded under this Article,~~ (iv) who has complied with the requirements of the Selective Service System, if applicable, and ~~(iv)~~ (v) 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 service in the armed forces during which eligibility is established under G.S. 165-22.

b. A veteran's child who was born in North Carolina and has ~~lived in~~ been a resident of North Carolina continuously since birth. ~~Provided, that the requirement in the preceding sentence as to birth in North Carolina may be waived by the Department of Administration if it is shown to the satisfaction of the Department that the child's mother was a native born resident of~~

1 North Carolina and was such resident at the time of her
2 marriage to the veteran and was outside the State temporarily at
3 the time of the child's birth, following which the child was
4 returned to North Carolina within a reasonable period of time
5 where said child has since lived continuously.

- 6 c. A person meeting either of the requirements set forth in
7 subdivision (3)a or b above, and who was legally adopted by
8 the veteran prior to said person's reaching the age of 15 years."

9 **SECTION 2.** G.S. 165-21 reads as rewritten:

10 **"§ 165-21. Scholarship.**

11 (a) A scholarship granted pursuant to this Article shall consist of the following
12 benefits in either a State or private educational institution:

- 13 (1) With respect to State educational institutions, unless expressly limited
14 elsewhere in this Article, a scholarship shall consist of:
15 a. Tuition,
16 b. A reasonable board allowance,
17 c. A reasonable room allowance,
18 d. Matriculation and other institutional fees required to be paid as
19 a condition to remaining in said institution and pursuing the
20 course of study selected, excluding charges or fees for books,
21 supplies, tools and clothing.
22 (2) With respect to private educational institutions, a scholarship shall
23 consist of a monetary allowance as prescribed in G.S. 165-22.1(d).
24 (3) Only one scholarship may be granted pursuant to this Article with
25 respect to each child and it shall not extend for a longer period than
26 four academic years, which years, however, need not be consecutive.
27 (4) No educational assistance shall be afforded a child under this Article
28 after the end of a ~~10-year~~ an eight-year period beginning on the date
29 the scholarship is first awarded. Those persons who have been granted
30 a scholarship under this Article prior to the effective date of this act
31 shall be entitled to the remainder of their period of scholarship
32 eligibility if used prior to August 1, ~~1999-~~ 2010. Whenever a child is
33 enrolled in an educational institution and the period of entitlement
34 ends while enrolled in a term, quarter or semester, such period shall be
35 extended to the end of such term, quarter or semester, but not beyond
36 the entitlement limitation of four academic years.

37 (b) ~~If a child is awarded a scholarship under this Article and the child is a senior~~
38 ~~in high school or its equivalent, then the scholarship shall be awarded pending the~~
39 ~~graduation of the child."~~

40 **SECTION 3.** G.S. 165-22 reads as rewritten:

41 **"§ 165-22. Classes or categories of eligibility under which scholarships may be**
42 **awarded.**

43 A child, as defined in this Article, who falls within the provisions of any eligibility
44 class described below shall, upon proper application be considered for a scholarship,

1 subject to the provisions and limitations set forth for the class under which he is
2 considered:

- 3 (1) Class I-A: Under this class a scholarship shall be awarded to any child
4 whose veteran parent
5 a. Was killed in action or died from wounds or other causes not
6 due to his own ~~wilful~~-willful misconduct while a member of the
7 armed forces during a period of war, or
8 b. Has died of service-connected injuries, wounds, illness or other
9 causes incurred or aggravated during wartime service in the
10 armed forces, as rated by the United States Department of
11 Veterans Affairs.
- 12 (2) Class I-B: Under this class a limited scholarship providing only those
13 benefits set forth in G.S. 165-21(1)a and d and 165-21(2) of this
14 Article, shall be awarded to any child whose veteran parent, at the time
15 the benefits pursuant to this Article are sought to be availed of, is or
16 was at the time of his death receiving compensation for a wartime
17 service-connected disability of one hundred percent (100%) as rated by
18 the United States Department of Veterans Affairs. Provided, that if the
19 veteran parent of a recipient under this class should die of his wartime
20 service-connected condition before the recipient shall have utilized all
21 of his scholarship eligibility time, then the North Carolina Department
22 of Administration shall amend the recipient's award from Class I-B to
23 Class I-A for the remainder of the recipient's eligibility time. The
24 effective date of such an amended award shall be determined by the
25 Department of Administration, but, in no event shall it predate the date
26 of the veteran parent's death.
- 27 (3) Class II: Under this class a scholarship may be awarded to not more
28 than 100 children yearly, each of whose veteran parent, at the time the
29 benefits pursuant to this Article are sought to be availed of:
30 a. Is or was at the time of his death receiving compensation for a
31 wartime service-connected disability of twenty percent (20%)
32 or more, but less than one hundred percent (100%), as rated by
33 the United States Department of Veterans Affairs, or
34 b. ~~Is or was at the time of his death receiving wartime~~
35 ~~compensation for a statutory award for arrested pulmonary~~
36 ~~tuberculosis, as rated by the United States Department of~~
37 ~~Veterans Affairs.~~Was awarded a Purple Heart for wounds
38 received as a result of an act of any opposing armed force, as a
39 result of an international terrorist attack, or as a result of
40 military operations while serving as part of a peacekeeping
41 force.
- 42 (4) Class III: Under this class a scholarship may be awarded to not more
43 than 100 children yearly, each of whose veteran parent, at the time the
44 benefits pursuant to this Article are sought to be availed of:

- 1 a. Is or was at the time of his death drawing pension for
2 permanent and total disability, nonservice-connected, as rated
3 by the United States Department of Veterans ~~Affairs~~, or Affairs.
4 b. Is deceased and who does not fall within the provisions of any
5 other eligibility class described in G.S. 165-22(1), (2), (3), (4)a.,
6 nor ~~(5) provided such child is less than 23 years of age at the~~
7 ~~time of application for such scholarship.~~(5).
8 c. Served in a combat zone, or waters adjacent to a combat zone,
9 or any other campaign, expedition, or engagement for which the
10 United States Department of Defense authorizes a campaign
11 badge or medal, who does not fall within the provisions of any
12 other class described in G.S. 165-22(1), (2), (3), (4)a., or (5).
13 (5) Class IV: Under this class a scholarship as defined in G.S. 165-21 shall
14 be awarded to any child whose parent, while serving honorably as a
15 member of the armed forces of the United States in active federal
16 service during a period of war, as defined in G.S. 165-20(4), was listed
17 by the United States government as (i) missing in action, (ii) captured
18 in line of duty by a hostile force, or (iii) forcibly detained or interned
19 in line of duty by a foreign government or power."

20 **SECTION 4.** This act is effective when it becomes law.