

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 307

Short Title: Persian Gulf Vet. Scholarships.

(Public)

Sponsors: Representatives Mercer, Lilley, Albertson; Bowman, J. W. Crawford, Justus, Privette, Smith, and Wood.

Referred to: Education.

March 25, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING SCHOLARSHIPS FOR CHILDREN OF WAR VETERANS TO INCLUDE CHILDREN OF PERSIAN GULF VETERANS AND TO MAKE TECHNICAL CHANGES.

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:

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

1 which does not operate for profit, whose curriculum is primarily
 2 directed toward the awarding of associate, baccalaureate or graduate
 3 degrees, which agrees to the applicable administration and funding
 4 provisions of G.S. 165-22.1, of this Article, and which is otherwise
 5 approved by the State Board of Veterans Affairs.

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

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

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

23 **"§ 165-22. Classes or categories of eligibility under which scholarships may be**
 24 **awarded.**

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

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

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

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

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

1 Affairs. Provided, that if the veteran parent of a recipient under this
2 class should die of his wartime service-connected condition before the
3 recipient shall have utilized all of his scholarship eligibility time, then
4 the North Carolina Department of Administration shall amend the
5 recipient's award from Class I-B to Class I-A for the remainder of the
6 recipient's eligibility time. The effective date of such an amended
7 award shall be determined by the Department of Administration, but,
8 in no event shall it predate the date of the veteran parent's death.

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

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

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

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

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

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

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

39 Sec. 3. This act becomes effective July 1, 1991.