

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS35109-LK-36 (2/1)

Short Title: NCNG Heroes Act of 2005. (Public)

Sponsors: Senator Forrester.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT CREATING A FUND TO PROVIDE A DEATH BENEFIT FOR MEMBERS
3 OF THE NORTH CAROLINA NATIONAL GUARD KILLED IN THE LINE OF
4 DUTY AND TO PROVIDE A FREE HIGHER EDUCATION FOR QUALIFIED
5 DEPENDENTS OF THOSE MEMBERS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Chapter 127A of the General Statutes is amended by adding a
8 new Article to read:

9 "Article 17.

10 "North Carolina National Guard Death Benefit and Dependent Higher Education Fund.

11 "§ 127A-210. Short title.

12 This Article shall be known and may be cited as the North Carolina National Guard
13 Death Benefit and Dependent Higher Education Fund.

14 "§ 127A-211. Purpose.

15 The General Assembly of North Carolina finds that:

- 16 (1) The North Carolina National Guard has a proud tradition of military
17 service with thousands of North Carolinians having answered the call
18 of the nation and served in the North Carolina National Guard.
- 19 (2) Members of the North Carolina National Guard are now being asked to
20 serve extended periods of active duty in combat areas.
- 21 (3) Members of the North Carolina National Guard provide North
22 Carolina and its citizens valuable benefits through their service inside
23 this State and through their recently extended periods of active duty in
24 combat areas outside North Carolina.
- 25 (4) There have been instances in which dependents of members of the
26 North Carolina National Guard have been left without adequate

1 financial resources when a member has been killed while on active
2 duty.

3 (5) The families of members of the North Carolina National Guard killed
4 in the line of duty should receive a death benefit of two hundred fifty
5 thousand dollars (\$250,000).

6 (6) Qualified dependents of members of the North Carolina National
7 Guard killed in the line of duty should receive a free higher education
8 at the State's colleges and community colleges.

9 **"§ 127A-212. North Carolina National Guard Death Benefit and Dependent**
10 **Higher Education Fund.**

11 (a) The North Carolina National Guard Death Benefit and Dependent Higher
12 Education Fund (Fund) is created in the State treasury. The Fund shall consist of:

13 (1) Appropriations from the General Assembly.

14 (2) Gifts, grants, donations, and bequests to the Fund.

15 (3) Income from investment of the Fund.

16 (b) The Fund is established for the following purposes:

17 (1) To provide a death benefit of two hundred fifty thousand dollars
18 (\$250,000) to the families of members of the North Carolina National
19 Guard who are killed in the line of duty.

20 (2) To pay tuition and fees for four years at constituent institutions of The
21 University of North Carolina for qualified dependents of members of
22 the North Carolina National Guard killed in the line of duty.

23 (3) To pay tuition and fees for two years at the State's community colleges
24 for qualified dependents of members of the North Carolina National
25 Guard killed in the line of duty.

26 (c) The Secretary of Crime Control and Public Safety is charged with the
27 administration of the Fund. The Secretary may delegate administrative tasks to other
28 persons within the Department of Crime Control and Public Safety as he deems best for
29 the orderly administration of the Fund.

30 (d) The Secretary of Crime Control and Public Safety shall issue rules necessary
31 to determine eligibility for payments from the Fund and to implement the requirements
32 of this Article."

33 **SECTION 2.** G.S. 147-69.2(a) reads as rewritten:

34 "(a) This section applies to funds held by the State Treasurer to the credit of:

35 (1) The Teachers' and State Employees' Retirement System,

36 (2) The Consolidated Judicial Retirement System,

37 (3) The Teachers' and State Employees' Hospital and Medical Insurance
38 Plan,

39 (4) The General Assembly Medical and Hospital Care Plan,

40 (5) The Disability Salary Continuation Plan,

41 (6) The Firemen's and Rescue Workers' Pension Fund,

42 (7) The Local Governmental Employees' Retirement System,

43 (8) The Legislative Retirement System,

44 (9) The Escheat Fund,

- 1 (10) The Legislative Retirement Fund,
2 (11) The State Education Assistance Authority,
3 (12) The State Property Fire Insurance Fund,
4 (13) The Stock Workers' Compensation Fund,
5 (14) The Mutual Workers' Compensation Fund,
6 (15) The Public School Insurance Fund,
7 (16) The Liability Insurance Trust Fund,
8 (17) Trust funds of The University of North Carolina and its constituent
9 institutions deposited with the State Treasurer pursuant to
10 G.S. 116-36.1,
11 (17a) North Carolina Veterans Home Trust Fund,
12 (17b) North Carolina National Guard Pension Fund,
13 (17c) Retiree Health Premium Reserve Account, ~~and~~
14 (17d) The Election ~~Fund~~.Fund,
15 (17e) North Carolina National Guard Death Benefit and Dependent Higher
16 Education Fund, and
17 (18) Any other special fund created by or pursuant to law for purposes
18 other than meeting appropriations made pursuant to the Executive
19 Budget Act."

20 **SECTION 3.** There is appropriated from the General Fund to the
21 Department of Crime Control and Public Safety the sum of one million dollars
22 (\$1,000,000) for the 2005-2006 fiscal year to establish the North Carolina National
23 Guard Group Death Benefit and Dependent Higher Education Fund.

24 **SECTION 4.** This act becomes effective July 1, 2005.