

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 547**

Short Title: Amend Nat. Guard Tuition Assistance Program.-AB (Public)

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Sponsors: Representatives Tillis, Martin, McGee, Pate (Primary Sponsors); Almond, Barnhart, Blust, Boylan, Cleveland, Crawford, Current, Faison, Gillespie, Harrison, Hilton, Howard, Killian, Langdon, Lewis, Love, Owens, Pierce, Samuelson, Spear, Stam, Steen, Sutton, Tarleton, Thomas, Underhill, West, and Wilkins.

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Referred to: Homeland Security, Military and Veterans Affairs, if favorable, Appropriations.

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March 12, 2007

A BILL TO BE ENTITLED

1 AN ACT ALLOWING FUNDS IN THE NATIONAL GUARD TUITION  
2 ASSISTANCE PROGRAM TO BE USED TO PROVIDE GRANTS TO  
3 MEMBERS OF THE NATIONAL GUARD TO PAY OUTSTANDING STUDENT  
4 LOANS.  
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 127A-195 reads as rewritten:

8 "**§ 127A-195. Administration and funding.**

9 (a) The Secretary of Crime Control and Public Safety is charged with the  
10 administration of the tuition assistance program under this Article. He may delegate  
11 administrative tasks to other persons within the Department of Crime Control and  
12 Public Safety as he deems best for the orderly administration of this program.

13 (b) The Secretary shall determine the eligibility of applicants, select the benefit  
14 recipients, establish the effective date of the benefit, and may suspend or revoke the  
15 benefit if he finds that the recipient does not maintain an adequate academic status, or if  
16 the recipient engages in riots, unlawful demonstrations, the seizure of educational  
17 buildings, or otherwise engages in disorderly conduct, breaches of the peace, or  
18 unlawful assemblies. The Secretary shall maintain such records and shall promulgate  
19 such rules and regulations as he deems necessary for the orderly administration of this  
20 program. The Secretary may require of business or trade schools or State or private  
21 educational institutions such reports and other information as he may need to carry out  
22 the provisions of this Article and he shall disburse benefit payments for recipients upon  
23 certification of enrollment by the enrolling institutions.

1 (c) All tuition benefit disbursements shall be made to the business or trade school  
2 or State or private educational institution concerned, for credit to the tuition account of  
3 each recipient. Grants disbursed pursuant to subsection (g) of this section shall be made  
4 to the student loan creditor concerned to be applied against the outstanding student  
5 loans of each recipient.

6 (d) The participation by any business or trade school or private educational  
7 institution in this program shall be subject to the applicable provisions of this Article  
8 and to examination by the State Auditor of the accounts of the benefit recipients  
9 attending or having attended such private schools or institutions. The Secretary may  
10 defer making an award or may suspend an award in any business or trade school or  
11 private educational institution which does not comply with the provisions of this Article  
12 relating to said institutions. The manner of payment to any business or trade school or  
13 private educational institution shall be as prescribed by the Secretary.

14 (e) Irrespective of other provisions of this Article, the Secretary may prescribe  
15 special procedures for adjusting the accounts of benefit recipients who, for reasons of  
16 illness, physical inability to attend classes or for other valid reason satisfactory to the  
17 Secretary, may withdraw from any business or trade school or State or private  
18 educational institution prior to the completion of the term, semester, quarter or other  
19 academic period being attended at the time of withdrawal.

20 (f) Any balance of the monetary educational assistance grant up to the maximum  
21 for the academic year remaining after tuition is paid pursuant to subsection (c) of this  
22 section may be disbursed to the recipient as reimbursement for required course books  
23 and materials. The manner of obtaining the reimbursement payment for these required  
24 books and materials shall be as prescribed by the Secretary.

25 (g) Any funds not needed to accomplish the other purposes of this Article may be  
26 used to provide grants to active members of the North Carolina national guard to assist  
27 those members in paying outstanding student loans. Grants under this subsection shall  
28 not be provided for the purpose of paying student loans obtained for courses from which  
29 the member withdrew or for which the member did not receive a passing grade."

30 **SECTION 2.** G.S. 127A-192 reads as rewritten:

31 **"§ 127A-192. Definitions.**

32 (a) Academic Year. – Any period of 365 days beginning with the first day of  
33 enrollment for a course of instruction.

34 ~~(a)(b) "Business or Trade School".~~ Business or Trade School. – Any school within  
35 the State of North Carolina which is licensed by the State Board of Education and listed  
36 by that Board as an approved private business school or an approved private trade  
37 school.

38 ~~(b)(c) "Private Educational Institutions".~~ Private Educational Institutions. – Any  
39 junior college, senior college or university which is operated and governed by private  
40 interests not under the control of the federal, State or any local government, which is  
41 located within and licensed by the State of North Carolina, which does not operate for  
42 profit, whose curriculum is primarily directed toward the awarding of associate,  
43 baccalaureate or graduate degrees, which agrees to the applicable administration and  
44 funding provisions of this Article.

1       ~~(e)(d)~~ "Secretary". Secretary. – The Secretary of Crime Control and Public Safety or  
2 his or her designee.

3       ~~(d)(e)~~ "State Educational Institutions". State Educational Institutions. – Any of the  
4 constituent institutions of the University of North Carolina, or any community college  
5 operated under the provisions of Chapter 115D of the General Statutes of North  
6 Carolina.

7       ~~(e)~~ "Academic Year". — ~~Any period of 365 days beginning with the first day of~~  
8 ~~enrollment for a course of instruction.~~

9       ~~(f)~~ Student Loan. – A loan or loans made to eligible students or parents of  
10 students to aid in attaining an education beyond the high school level."

11               **SECTION 3.** G.S. 127A-193 reads as rewritten:

12 "**§ 127A-193. Benefit.**

13       The benefit provided under this Article shall consist of a monetary educational  
14 assistance grant not to exceed the highest amount charged by a State educational  
15 institution per academic year or a lesser amount, as prescribed by the Secretary, to  
16 remain within the funds appropriated, to qualifying members of the North Carolina  
17 national guard. ~~Benefits shall be payable for a period of one academic year at a time,~~  
18 ~~renewable at the option of the Secretary.~~ Benefits provided under G.S. 127A-195(g)  
19 shall be payable for a period of one year at a time, renewable at the option of the  
20 Secretary. All other benefits provided under this Article shall be payable for a period of  
21 one academic year at a time, renewable at the option of the Secretary."

22               **SECTION 4.** G.S. 127A-194 reads as rewritten:

23 "**§ 127A-194. Eligibility.**

24       (a) Active members of the North Carolina national guard who are enrolled or  
25 who shall enroll in any business or trade school, private educational ~~institution~~  
26 institution, or State educational institution shall be eligible to apply for this tuition  
27 assistance benefit: Provided, that the applicant has a minimum obligation of two years  
28 remaining as a member of the national guard from the end of the academic period for  
29 which tuition assistance is provided or that the applicant commit himself or herself to  
30 extended membership for at least two additional years from the end of ~~said~~ that  
31 academic period.

32       (b) This tuition assistance benefit shall be applicable to students in the following  
33 categories:

- 34               (1) Students seeking to achieve completion of their secondary school  
35               education at a community college or technical institute.
- 36               (2) Students seeking trade or vocational training or education.
- 37               (3) Students seeking to achieve a two-year associate degree.
- 38               (4) Students seeking to achieve a four-year baccalaureate degree.
- 39               (5) Students seeking to achieve a graduate degree.

40       (c) The following persons shall be eligible to apply for grants to pay outstanding  
41 student loans pursuant to G.S. 127A-195(g):

- 42               (1) Persons described in subsections (a) and (b) of this section.

- 1           (2)   Active members of the North Carolina national guard who were  
2                   previously enrolled in any business or trade school, private educational  
3                   institution, or State educational institution, but only if:  
4                a.     The applicant has a minimum obligation of two years remaining  
5                   as a member of the national guard from the time of the  
6                   application; or  
7                b.     The applicant commits himself or herself to extended  
8                   membership for at least two additional years from the time of  
9                   the application."

10           **SECTION 5.** This act becomes effective July 1, 2007.