

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**SENATE BILL 583**

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

Sponsors: Senators Forrester; Allran, Berger of Rockingham, Blake, Brock, Brown, Garwood, Hartsell, Horton, Jacumin, Pittenger, Presnell, Smith, Thomas, and Tillman.

Referred to: Appropriations/Base Budget.

March 16, 2005

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

The General Assembly of North Carolina enacts:

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

"Article 17.

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

**"§ 127A-210. Short title.**

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

**"§ 127A-211. Purpose.**

The General Assembly of North Carolina finds that:

- (1) The North Carolina National Guard has a proud tradition of military service with thousands of North Carolinians having answered the call of the nation and served in the North Carolina National Guard.
- (2) Members of the North Carolina National Guard are now being asked to serve extended periods of active duty in combat areas.
- (3) Members of the North Carolina National Guard provide North Carolina and its citizens valuable benefits through their service inside this State and through their recently extended periods of active duty in combat areas outside North Carolina.
- (4) There have been instances in which dependents of members of the 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.