

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 1539

Short Title: Department of Veterans Affairs. (Public)

Sponsors: Representatives Lucas, Coates (Primary Sponsors); B. Allen, Bonner, Glazier, Goodwin, Grady, McLawhorn, Parmon, Pate, Steen, Sutton, Wainwright, Warner, and K. Williams.

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

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NORTH CAROLINA DEPARTMENT OF VETERANS AFFAIRS.

The General Assembly of North Carolina enacts:

SECTION 1. The title of Article 1 of Chapter 165 of the General Statutes reads as rewritten:

"Article 1.

~~Department of Administration.~~ Department of Veterans Affairs."

SECTION 2. G.S. 165-1 reads as rewritten:

"§ 165-1. North Carolina Veterans Commission renamed.

~~The North Carolina Veterans Commission is hereby renamed the Department of Administration. The Department shall assume all duties, responsibilities and powers formerly exercised by the Veterans Commission, and shall further exercise those powers and duties prescribed in this Article and elsewhere in the General Statutes. There is~~ created the Department of Veterans Affairs, which shall be attached to the Office of the Governor for administrative purposes. The Department shall be headed by an Executive Director appointed by the Governor who shall be a veteran of competency and ability."

SECTION 3. G.S. 165-2 reads as rewritten:

"§ 165-2. References changed.

~~Wherever in the General Statutes the words "North Carolina Veterans Commission" appear, the same shall be stricken out and the words "North Carolina Department of Administration" inserted in lieu thereof.~~

(a) The Department of Veterans Affairs shall include the Veterans' Affairs Commission established by G.S. 143B-399.

(b) The Department of Veterans Affairs shall be responsible for providing services to veterans in accordance with this Chapter."

SECTION 4. G.S. 165-3 reads as rewritten:

1 **"§ 165-3. Definitions.**

2 Wherever used in this Article, unless the context otherwise requires, the terms
3 defined in this section shall have the following meaning:

- 4 (1) "Commission" means the Veterans Affairs Commission.
- 5 (2) "Department" means the North Carolina Department of
6 ~~Administration, Veterans Affairs~~, an agency of the government of the
7 State of North Carolina.
- 8 (3) Repealed by Session Laws 1973, c. 620, s. 9.
- 9 (4) "Veteran" means.
- 10 a. For qualifying as a voting member of the State Board of
11 Veterans Affairs and as the State Director of Veterans Affairs, a
12 person who served honorably during a period of war as defined
13 in Title 38, United States Code.
- 14 b. For entitlement to the services of the Department of
15 ~~Administration, Veterans Affairs~~, any person who may be
16 entitled to any benefits or rights under the laws of the United
17 States by reason of service in the armed forces of the United
18 States.
- 19 (5) "Veterans' organization" means any organization of veterans which has
20 been chartered by an act of the United States Congress and is legally
21 constituted and operating in this State pursuant to said charter."

22 **SECTION 5.** G.S. 165-6 reads as rewritten:

23 **"§ 165-6. Powers and duties of the Department.**

24 In furtherance of the stated purpose of this Article, the Department is hereby
25 authorized and empowered to do the following:

- 26 (1) To assist veterans, their families, and dependents in the presentation,
27 processing, proof, and establishment of such claims, privileges, rights,
28 and benefits as they may be entitled to under federal, State, or local
29 laws, rules, and regulations.
- 30 (2) To aid persons in active military service and their dependents with
31 problems arising out of said service which come reasonably within the
32 purview of the Department's program of assistance.
- 33 (3) To collect data and information as to the facilities and services
34 available to veterans, their families, and dependents and to cooperate
35 with agencies furnishing information or services throughout the State
36 in order to inform such agencies regarding the availability of (i)
37 education, training and retraining facilities, (ii) health, medical,
38 rehabilitation, and housing services and facilities, (iii) employment and
39 reemployment services, (iv) provisions of federal, State, and local
40 laws, rules, and regulations affording rights, privileges, and benefits to
41 veterans, their families, and dependents, and in respect to such other
42 matters of similar, related, or appropriate nature not herein set out.
- 43 (4) To establish such field offices, facilities and services throughout the
44 State as may be necessary to carry out the purposes of this Article.

- 1 (5) To cooperate, as the Department deems appropriate, with
2 governmental, private and civic agencies and instrumentalities in
3 securing services or benefits for veterans, their families, dependents
4 and beneficiaries.
- 5 (6) To accept any property, funds, service, or facilities from any source,
6 public or private, granted in aid or furtherance of the administration of
7 the provisions of this Article.
- 8 (7) To enter into any contract or agreement with any person, firm, or
9 corporation, or governmental agency or instrumentality in furtherance
10 of the purposes of this Article, and to make all rules and regulations
11 necessary for the proper and effective administration of its duties.
- 12 (8) It shall be the duty of the Department to train, supervise and assist the
13 employees of any ~~county, city or town~~ county who are engaged in
14 veteran's service. Authority is hereby granted the governing body of
15 any ~~county, city or town~~ county to appropriate such amounts as it may
16 deem necessary to provide a veterans service program and the
17 expenditure of such funds is hereby declared to be for a public
18 purpose; such program shall be operated in affiliation with this
19 Department and under its supervision as set forth above.
- 20 (9) The Department may, in its discretion, contribute to each county an
21 amount not to exceed ~~two thousand dollars (\$2,000)~~ five thousand
22 dollars (\$5,000) on a matching basis for any fiscal year for the
23 maintenance and operation of a county veterans service program.
24 Participating counties shall furnish the Department such reports,
25 accountings and other information at such times and in such form as
26 the Department may require.
- 27 (10) Repealed by Session Laws 1973, c. 620, s. 9."

28 **SECTION 6.** G.S. 165-8 reads as rewritten:

29 **"§ 165-8. Quarters.**

30 The Department of ~~Administration-Veterans Affairs~~ shall provide, in the City of
31 Raleigh, adequate quarters for the central office of the Department of
32 ~~Administration-Veterans Affairs~~. The Department of ~~Administration-Veterans Affairs~~
33 shall procure suitable space for its field offices and other activities pursuant to
34 applicable provisions of law and in accordance with rules adopted by the Governor with
35 the approval of the Council of State."

36 **SECTION 7.** G.S. 165-11 reads as rewritten:

37 **"§ 165-11. Copies of records to be furnished to the Department of**
38 **~~Administration~~ Veterans Affairs.**

39 (a) Whenever copies of any State and local public records are requested by a
40 representative of the Department of ~~Administration-Veterans Affairs~~ in assisting persons
41 in obtaining any federal, State, local or privately provided benefits relating to veterans
42 and their beneficiaries, the official charged with the custody of any such records shall
43 without charge furnish said representative with the requested number of certified copies
44 of such records; provided, that this section shall not apply to the disclosure of

1 information in certain privileged and confidential records referred to elsewhere in the
2 General Statutes of North Carolina, which information shall continue to be disclosed in
3 the manner prescribed by the statute relating thereto.

4 (b) No official chargeable with the collection of any fee or charge under the laws
5 of the State of North Carolina in connection with his official duties shall be held
6 accountable on his official bond or otherwise for any fee or charge remitted pursuant to
7 the provisions of this section."

8 **SECTION 8.** G.S. 165-11.1 reads as rewritten:

9 "**§ 165-11.1. Confidentiality of Veterans Affairs records.**

10 Notwithstanding any other provisions of Chapter 143B, no records of the ~~Division of~~
11 ~~Veterans Affairs in the Department of Administration~~ Veterans Affairs shall be
12 disclosed or used for any purpose except for official purposes, and no records shall be
13 disclosed, destroyed or used in any manner which is in violation of any existing federal
14 law or regulation. Nothing in this Chapter shall convert records which are the property
15 of the federal government into State property."

16 **SECTION 9.** This act becomes effective July 1, 2004.