

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 741
Committee Substitute Favorable 4/13/05

Short Title: Department of Veterans Affairs.

(Public)

Sponsors:

Referred to:

March 17, 2005

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 Department of Veterans
Affairs.**

~~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 with the necessary
competency and ability."~~

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

"§ 165-2. ~~References changed.~~ Veterans' Affairs Commission; Department services.

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- 8 (3) Repealed by Session Laws 1973, c. 620, s. 9.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

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

25 **"§ 165-6. Powers and duties of the Department.**

26 In furtherance of the stated purpose of this Article, the Department ~~is hereby~~
27 ~~authorized and empowered to~~ shall do the following:

- 28 (1) ~~To assist~~ Assist veterans, their families, and their dependents in the
29 presentation, processing, proof, and establishment of ~~such any~~ claims,
30 privileges, rights, and benefits ~~as that~~ they may be entitled to under
31 federal, State, or local laws, rules, and regulations.
- 32 (2) ~~To aid~~ Aid persons in active military service and their dependents with
33 problems arising out of ~~said their military service which that~~
34 reasonably come ~~reasonably~~ within the purview of the Department's
35 program of assistance.
- 36 (3) ~~To collect~~ Collect data and information as to the facilities and services
37 available to veterans, their families, and their dependents and to
38 cooperate with agencies furnishing information or services throughout
39 the State in order to inform ~~such those~~ agencies regarding the
40 availability of (i) education, training and retraining facilities, (ii)
41 health, medical, rehabilitation, and housing services and facilities, (iii)
42 employment and reemployment services, (iv) provisions of federal,
43 State, and local laws, rules, and regulations affording rights, privileges,
44 and benefits to veterans, their families, and their dependents, and in

1 respect to ~~such~~ other matters of a similar, related, or appropriate nature
 2 ~~not herein set out.~~

3 (4) ~~To establish such~~ Establish field offices, facilities and services
 4 throughout the State ~~as may be necessary~~ to carry out the purposes of
 5 this Article.

6 (5) ~~To cooperate,~~ Cooperate, as the Department deems appropriate, with
 7 governmental, private and civic agencies and instrumentalities in
 8 securing services or benefits for veterans, their families, dependents
 9 and beneficiaries.

10 (6) ~~To accept~~ Accept any property, funds, service, or facilities from any
 11 source, public or private, granted in aid or furtherance of the
 12 administration of the provisions of this Article.

13 (7) ~~To enter~~ Enter into any contract or agreement with any person, firm, or
 14 corporation, or governmental agency or instrumentality in furtherance
 15 of the purposes of this Article, and to make all rules and regulations
 16 necessary for the proper and effective administration of its duties.

17 (8) ~~It shall be the duty of the Department to train,~~ Train supervise and
 18 assist the employees of any ~~county, city or town~~ county who are
 19 engaged in veteran's service. ~~Authority is hereby granted the governing~~
 20 ~~body of any county, city or town~~ The Board of Commissioners of any
 21 ~~county to may appropriate such amounts as it may deem necessary~~ to
 22 provide a veterans service program and the expenditure of ~~such these~~
 23 funds is ~~hereby declared~~ to be for a public purpose; ~~such a county~~
 24 program shall be operated in affiliation with this ~~Department and~~
 25 ~~under its supervision as set forth above.~~ Department.

26 (9) ~~The Department may, in its discretion, contribute~~ Contribute to each
 27 county an amount ~~not to exceed two thousand dollars (\$2,000) up to~~
 28 five thousand dollars (\$5,000) on a matching basis for any fiscal year
 29 for the maintenance and operation of a county veterans service
 30 program. Participating counties shall furnish the Department ~~such with~~
 31 reports, accountings and other information ~~at such times and in such~~
 32 ~~form as the Department may require.~~ as required by the Department.

33 (10) Repealed by Session Laws 1973, c. 620, s. 9."

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

35 **"§ 165-8. Quarters.**

36 The Department of Administration shall provide, in the City of Raleigh, adequate
 37 quarters for the central office of the Department of ~~Administration.~~ Veterans Affairs.
 38 The Department of ~~Administration.~~ Veterans Affairs shall procure suitable space for its
 39 field offices and other activities pursuant to applicable provisions of law and in
 40 accordance with rules adopted by the Governor with the approval of the Council of
 41 State."

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

43 **"§ 165-11. Copies of records to be furnished to the Department of ~~Administration~~**
 44 **Veterans Affairs.**

1 (a) Whenever copies of any State and local public records are requested by a
2 representative of the Department of ~~Administration in Veterans Affairs~~ while assisting
3 persons in obtaining any federal, State, local or privately provided benefits relating to
4 veterans and their beneficiaries, the official charged with the custody of ~~any such those~~
5 records shall ~~without charge~~ furnish ~~said the~~ representative with the requested number
6 of certified copies of ~~such records; provided, that this section those records without~~
7 charge. This subsection shall not apply to the disclosure of information in certain
8 privileged and confidential records referred to elsewhere in the General Statutes of
9 North Carolina, ~~which and that~~ information shall continue to be disclosed in the manner
10 prescribed by the ~~statute relating thereto relevant statutes.~~

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

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

16 "**§ 165-11.1. Confidentiality of Veterans Affairs records.**

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

23 **SECTION 9.** This act becomes effective July 1, 2005.