

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 741

Short Title: Department of Veterans Affairs. (Public)

Sponsors: Representatives Coates; Brown and Steen.

Referred to: Military, Veterans and Indian Affairs.

March 17, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE NORTH CAROLINA DEPARTMENT OF VETERANS  
3 AFFAIRS.

4 The General Assembly of North Carolina enacts:

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

"Article 1.

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

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

10 **"§ 165-1. North Carolina Veterans Commission renamed.**

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

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

20 **"§ 165-2. References changed.**

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

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

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

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

29 **"§ 165-3. Definitions.**

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

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7       (3) Repealed by Session Laws 1973, c. 620, s. 9.  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

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

24       **"§ 165-6. Powers and duties of the Department.**

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

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

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.