

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 2721

Short Title: Department of Veterans/Military Affairs. (Public)

Sponsors: Representatives Coates, Lucas (Primary Sponsors); Cleveland, Culp, Frye, Glazier, Goodwin, Harrison, Martin, Pate, Spear, Underhill, and Wray.

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

May 25, 2006

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NORTH CAROLINA DEPARTMENT OF VETERANS
AND MILITARY 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 and Military Affairs."~~

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

"§ 165-1. North Carolina Veterans Commission renamed Department of Veterans and Military 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~~Department of Veterans and Military 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 and Military 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~~Department of Veterans and Military Affairs shall include the Veterans' Affairs Commission established by G.S. 143B-399.

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

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

4 "**§ 165-3. Definitions.**

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

7 (1) "Commission" means the Veterans Affairs Commission.

8 (2) "Department" means the North Carolina Department of
9 ~~Administration, Veterans and Military Affairs,~~ an agency of the
10 government of the State of North Carolina.

11 (3) Repealed by Session Laws 1973, c. 620, s. 9.

12 (4) "Veteran" means

13 a. For qualifying as a voting member of the ~~State Board of~~
14 ~~Veterans Affairs~~ Veterans and Military Affairs Commission and
15 as the ~~State Director of Veterans Affairs,~~ Executive Director of
16 the Department of Veterans and Military Affairs, a person who
17 served honorably during a period of war as defined in Title 38,
18 United States Code.

19 b. For entitlement to the services of the Department of
20 ~~Administration, Veterans and Military Affairs,~~ any person who
21 may be entitled to any benefits or rights under the laws of the
22 United States by reason of service in the armed forces of the
23 United States.

24 (5) "Veterans' organization" means any organization of veterans which has
25 been chartered by an act of the United States Congress and is legally
26 constituted and operating in this State pursuant to ~~said~~ that charter."

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

28 "**§ 165-6. Powers and duties of the Department.**

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

31 (1) ~~To assist~~ Assist veterans, their families, and their dependents in the
32 presentation, processing, proof, and establishment of ~~such~~ any claims,
33 privileges, rights, and benefits ~~as that~~ they may be entitled to under
34 federal, State, or local laws, rules, and regulations.

35 (2) ~~To aid~~ Aid persons in active military service and their dependents with
36 problems arising out of ~~said~~ their military service ~~which~~ that
37 reasonably come ~~reasonably~~ within the purview of the Department's
38 program of assistance.

39 (3) ~~To collect~~ Collect data and information as to the facilities and services
40 available to veterans, their families, and their dependents and to
41 cooperate with agencies furnishing information or services throughout
42 the State in order to inform ~~such~~ those agencies regarding the
43 availability of (i) education, training and retraining facilities, (ii)
44 health, medical, rehabilitation, and housing services and facilities, (iii)

1 employment and reemployment services, (iv) provisions of federal,
 2 State, and local laws, rules, and regulations affording rights, privileges,
 3 and benefits to veterans, their families, and their dependents, and in
 4 respect to ~~such other matters of a similar, related, or appropriate nature~~
 5 ~~not herein set out.~~nature.

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

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

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

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

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

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

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

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

38 "**§ 165-8. Quarters.**

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

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

2 "**§ 165-11. Copies of records to be furnished to the Department of ~~Administration~~**
3 **Veterans and Military Affairs.**

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

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

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

19 "**§ 165-11.1. Confidentiality of Veterans Affairs records.**

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

26 **SECTION 9.** This act becomes effective July 1, 2006.