

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 262  
Committee Substitute Favorable 4/3/01  
Senate Commerce Committee Substitute Adopted 5/16/01

Short Title: State Veterans Cemetery Eligibility-AB.

(Public)

Sponsors:

Referred to:

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR INTERMENT IN  
A STATE VETERANS CEMETERY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 65-43 reads as rewritten:

**"§ 65-43. Definitions.**

For purposes of this Article, the following definitions shall apply, unless the context requires otherwise:

(1) "Honorable military service" means:

- a. Service on active duty, other than for training, as a member of the Armed Forces of the United States, when the service was terminated under honorable conditions;
- b. Service on active duty as a member of the Armed Forces of the United States at the time of death under honorable conditions;
- c. Service on active duty for training or full-time service as a member of the Reserve component of the Armed Forces, the Army National Guard, the Air National Guard, or the Reserve Officer Training Corps of the Army, Navy, or Air Force, at the time of death under honorable conditions.

(2) A "legal resident" of a state means a person whose principal residence or abode is in that state, who uses that state to establish his right to vote and other rights in a state, and who intends to live in that state, to the exclusion of maintaining a legal residence in any other state.

(3) A "qualified veteran" means a ~~veteran~~ veteran who meets the requirements of sub-subdivisions a. and b. of this subdivision:

- a. ~~Who~~ A veteran who served an honorable military service; and service or who served a period of honorable nonregular service and is any of the following:

1. A veteran who is entitled to retired pay for nonregular service under 10 U.S.C. §§ 12731-12741, as amended.
2. A veteran who would have been entitled to retired pay for nonregular service under 10 U.S.C. §§ 12731-12741, as amended, but for the fact that the person was under 60 years of age.
3. A veteran who is eligible for interment in a national cemetery under 38 U.S.C. § 2402, as amended.

b. Who is a legal resident of North Carolina:

- ~~(1)~~1. At the time of death, or
- ~~(2)~~2. For a period of at least 10 years, or
- ~~(3)~~3. At the time he entered the Armed Forces of the United States."

**SECTION 2.** G.S. 65-43.1(a) reads as rewritten:

"(a) The following persons are eligible for interment at a State veterans cemetery:

- (1) A qualified ~~veteran;~~veteran.
- (2) The spouse, widow, or widower of a qualified veteran, or a minor child who is unmarried and dependent on the qualified veteran at the time of ~~his death;~~ and death. For purposes of this subdivision, "minor child" includes a child under 21 years of age or under 23 years of age if pursuing a course of instruction at an educational institution approved by the United States Department of Veterans Affairs.
- (3) An unmarried adult child of a qualified veteran when the child became permanently incapable of self-support because of a physical or mental disability before attaining the age of 18 years."

**SECTION 3.** This act is effective when it becomes law.