

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

4

HOUSE BILL 370
Committee Substitute Favorable 4/21/21
Senate Commerce and Insurance Committee Substitute Adopted 5/24/22
Fourth Edition Engrossed 5/31/22

Short Title: Veterans Employment Act.

(Public)

Sponsors:

Referred to:

March 24, 2021

A BILL TO BE ENTITLED

AN ACT REQUIRING OCCUPATIONAL LICENSING BOARDS AND STATE AGENCY LICENSING BOARDS TO INFORM THE SECRETARY OF THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS OF THE NAME OF THE PERSON RESPONSIBLE FOR FILING DATA ON APPLICATIONS FOR LICENSURE SUBMITTED BY MILITARY-TRAINED PERSONS OR MILITARY SPOUSES; PROVIDING THAT LICENSING BOARDS SHALL DETERMINE AN APPLICANT'S STATUS AS MILITARY-TRAINED OR A MILITARY SPOUSE; EXTENDING THE PROTECTIONS AND BENEFITS OF THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN TO THE CHILDREN OF NATIONAL GUARD AND RESERVE MEMBERS WITHIN THE STATE; EXPANDING THE EMPLOYMENT PREFERENCE FOR VETERANS; AND AUTHORIZING COUNTIES AND CITIES TO ENTER INTO INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH MILITARY INSTALLATIONS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 93B-2(b1) reads as rewritten:

"(b1) No later than October 31 of each year, each occupational licensing board ~~or~~ and State agency licensing board shall file electronically with the Secretary of the Department of Military and Veterans Affairs information ~~collected pursuant to~~ described in G.S. 93B-2(a)(9c) and (9d). Beginning July 1, 2022, and not later than July 1 of each year thereafter, each occupational licensing board and State agency licensing board shall inform the Secretary of the name of the person who is responsible for filing the information required under this subsection."

SECTION 1.(b) G.S. 93B-15.1 reads as rewritten:

"§ 93B-15.1. **Licensure for individuals with military training and experience; proficiency examination; licensure by endorsement for military spouses; temporary license.**

...

(c3) Each occupational licensing board and State agency licensing board shall ensure that the application for licensure, certification, or registration includes a question requiring the applicant to indicate whether he or she is military-trained or a military spouse.

...."

SECTION 1.(c) This section is effective when it becomes law.

SECTION 2.(a) Article 29B of Chapter 115C of the General Statutes reads as rewritten:

"Article 29B.



1 "Educational Opportunities for Military Children.

2 "Part 1. Interstate Compact on Educational Opportunity for Military Children.

3 ...

4 "Part 2. Educational Opportunities for Children of National Guard and Reserve Members Not
5 in Active Duty Status.

6 **"§ 115C-407.12. Educational opportunities for children of National Guard and Reserve**
7 **members not in active duty status.**

8 (a) The following definitions apply in this Part:

9 (1) Children of inactive members. – School-aged children, enrolled in
10 kindergarten through twelfth grade, in the household of an inactive member.

11 (2) Inactive member. – A member of the National Guard or the Reserves of any
12 branch of the uniformed services of the United States who is inactive and not
13 on active duty orders pursuant to 10 U.S.C. § 12301, et seq., and 10 U.S.C. §
14 12401, et seq.

15 (3) Local education authority. – A public authority legally constituted by the State
16 as an administrative agency to provide control of and direction for
17 kindergarten through twelfth grade public educational institutions.

18 (b) The Interstate Compact on Educational Opportunity for Military Children under Part
19 1 of this Article is limited to providing transition services for children of active duty members of
20 the uniformed services and excludes provision of services to children of inactive members.

21 (c) For intrastate transfers between local education authorities in this State, children of
22 inactive members shall be provided the same services as provided for children of military families
23 under Part 1 of this Article if the inactive member is required to move to perform military service–
24 related responsibilities and presents a copy of the official military transfer order to the school
25 from which the services for the child are requested.

26 (d) For interstate transfers, if the inactive member is required to move to perform military
27 service–related responsibilities and presents a copy of the official military transfer order to the
28 school from which the services for the child are requested, the following shall apply:

29 (1) Local education authorities in this State shall provide the same services as
30 provided for children of military families under Part 1 of this Article to
31 children of inactive members transferring to the State within the limitations
32 established by subdivision (2) of this subsection.

33 (2) Local education authorities in this State shall not require local education
34 authorities outside of the State to provide services to children of inactive
35 members transferring to or from the State. Local education authorities in the
36 State shall make an attempt to coordinate on behalf of children of inactive
37 members with local education authorities outside of the State."

38 **SECTION 2.(b)** This section is effective when it becomes law and is applicable
39 beginning with the 2022-2023 academic school year.

40 **SECTION 3.(a)** G.S. 126-80 reads as rewritten:

41 **"§ 126-80. Declaration of policy.**

42 It shall be the policy of the State of North Carolina that, in appreciation for their service to
43 this State and this ~~country during a period of war, country,~~ and in recognition of the time and
44 advantage lost toward the pursuit of a civilian career, eligible veterans shall be granted preference
45 in employment for positions subject to the provisions of this Chapter with every State department,
46 agency, and institution."

47 **SECTION 3.(b)** G.S. 126-81 reads as rewritten:

48 **"§ 126-81. Definitions.**

49 The following definitions apply in this Article:

50 (1) ~~Period of war. – World War I (April 16, 1917, through November 11, 1918),~~
51 ~~World War II (December 7, 1941, through December 31, 1946), the Korean~~

1 ~~Conflict (June 27, 1950, through January 31, 1955), the period of time~~
 2 ~~between January 31, 1955, and the end of the hostilities in Vietnam (May 7,~~
 3 ~~1975), or any other campaign, expedition, or engagement for which a~~
 4 ~~campaign badge or medal is authorized by the United States Department of~~
 5 ~~Defense.~~

6 (2) Veteran. – A person who served in the Armed Forces of the United States on
 7 active duty, for reasons other than training, and has been discharged under
 8 other than dishonorable conditions.

9 (3) Eligible veteran. – Any of the ~~following:~~following persons:

10 a. ~~A veteran who served during a period of war.~~veteran.

11 b. The spouse of a disabled veteran.

12 c. The surviving spouse or dependent of a veteran who dies on active
 13 ~~duty during a period of war either directly or indirectly as a result of~~
 14 ~~such service.~~duty.

15 d. A veteran who suffered a service-connected ~~disability during~~
 16 ~~peacetime.~~disability.

17 e. The spouse of a veteran described in sub-subdivision d. of this
 18 subdivision.

19 f. The surviving spouse or dependent of a person who served in the
 20 Armed Forces of the United States on active duty, for reasons other
 21 than training, who died for service-related ~~reasons during~~
 22 ~~peacetime.~~reasons.

23 (4) Eligible member of the National Guard. – Any of the following:

24 a. A resident of North Carolina who is a current member in good standing
 25 of either the North Carolina Army National Guard or the North
 26 Carolina Air National Guard.

27 b. A resident of North Carolina who is a former member of either the
 28 North Carolina Army National Guard or the North Carolina Air
 29 National Guard, whose discharge is under honorable conditions with
 30 a minimum of six years of creditable service.

31 c. The surviving spouse and dependent of a member of the North
 32 Carolina Army National Guard or the North Carolina Air National
 33 Guard who dies on State active duty either directly or indirectly as a
 34 result of that service.

35 d. The surviving spouse or dependent of a member of the North Carolina
 36 National Guard who died for service-related ~~reasons during~~
 37 ~~peacetime.~~reasons."

38 **SECTION 3.(c)** G.S. 128-15 reads as rewritten:

39 **"§ 128-15. Employment preference for veterans and their spouses or surviving spouses.**

40 (a) It shall be the policy of the State of North Carolina that, in appreciation for their
 41 service to this State and this ~~country during a period of war,~~ country, and in recognition of the
 42 time and advantage lost toward the pursuit of a civilian career, eligible veterans and eligible
 43 members of the National Guard shall be granted preference in employment with every State
 44 department, agency, and institution.

45 (b) ~~As used in this section:~~The following definitions apply in this section:

46 (1) ~~Period of war. — World War I (April 16, 1917, through November 11, 1918),~~
 47 ~~World War II (December 7, 1941, through December 31, 1946), the Korean~~
 48 ~~Conflict (June 27, 1950, through January 31, 1955), the period of time~~
 49 ~~between January 31, 1955, and the end of the hostilities in Vietnam (May 7,~~
 50 ~~1975), or any other campaign, expedition, or engagement for which a~~

1 ~~campaign badge or medal is authorized by the United States Department of~~
 2 ~~Defense.~~

3 (2) Veteran. – A person who served in the Armed Forces of the United States on
 4 active duty, for reasons other than training, and has been discharged under
 5 other than dishonorable conditions.

6 (3) Eligible veteran. – Any of the ~~following:~~following persons:

7 a. ~~A veteran who served during a period of war.~~veteran.

8 b. The spouse of a disabled veteran.

9 c. The surviving spouse or dependent of a ~~veteran who dies on active~~
 10 ~~duty during a period of war either directly or indirectly as the result of~~
 11 ~~such service.~~veteran.

12 d. A veteran who suffered a disabling injury for service-related ~~reasons~~
 13 ~~during peacetime.~~reasons.

14 e. The spouse of a veteran described in sub-subdivision d. of this
 15 subdivision.

16 f. The surviving spouse or dependent of a person who served in the
 17 Armed Forces of the United States on active duty, for reasons other
 18 than training, who dies for service-related ~~reasons~~during
 19 ~~peacetime.~~reasons.

20 (4) Eligible member of the National Guard. – Any of the following:

21 a. A resident of North Carolina who is a current member in good standing
 22 of either the North Carolina Army National Guard or the North
 23 Carolina Air National Guard.

24 b. A resident of North Carolina who is a former member of either the
 25 North Carolina Army National Guard or the North Carolina Air
 26 National Guard, whose discharge is under honorable conditions with
 27 a minimum of six years of creditable service.

28 c. The surviving spouse and dependent of a member of the North
 29 Carolina Army National Guard or the North Carolina Air National
 30 Guard who dies on State active duty either directly or indirectly as a
 31 result of that service.

32 d. The surviving spouse or dependent of a member of the North Carolina
 33 National Guard who died for service-related ~~reasons~~during
 34 ~~peacetime.~~reasons.

35 (c) Hereafter, in all evaluations of applicants for positions with this State or any of its
 36 departments, institutions or agencies, a preference shall be awarded to all eligible veterans and
 37 eligible members of the National Guard who are citizens of the State and who served the State
 38 or the United States ~~honorably~~ in the military forces of this State or of the United ~~States during~~
 39 ~~a period of war.~~States. This preference applies to initial employment with the State and extends
 40 to other employment events including subsequent hirings, promotions, reassignments, and
 41 horizontal transfers.

42 (d) The provisions of this section shall be subject to the provisions of Article 1 of Chapter
 43 165 of the General Statutes, G.S. 126-83, and Parts 13 and 19 of Article 9 of Chapter 143B of
 44 the General Statutes."

45 **SECTION 3.(d)** This section is effective when it becomes law and applies to
 46 applications for public employment made on or after that date.

47 **SECTION 4.** Article 23 of Chapter 153A of the General Statutes is amended by
 48 adding a new section to read as follows:

49 **"§ 153A-460. Intergovernmental Support Agreements with military installations.**

1 A county may enter into Intergovernmental Support Agreements with the Secretary of a
2 military branch of the Armed Forces of the United States to provide installation-support services
3 as authorized by 10 U.S.C. § 2679."

4 **SECTION 5.** Article 21 of Chapter 160A of the General Statutes is amended by
5 adding a new section to read as follows:

6 **"§ 160A-499.5. Intergovernmental Support Agreements with military installations.**

7 A city may enter into Intergovernmental Support Agreements with the Secretary of a military
8 branch of the Armed Forces of the United States to provide installation-support services as
9 authorized by 10 U.S.C. § 2679."

10 **SECTION 6.** Unless otherwise indicated, this act is effective when it becomes law.