

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**SENATE BILL 105
PROPOSED COMMITTEE SUBSTITUTE S105-PCS15196-MD-1**

Short Title: Include No. Veterans Employed/Annual Report.

(Public)

Sponsors:

Referred to:

February 23, 2015

A BILL TO BE ENTITLED
AN ACT TO REQUIRE THAT INFORMATION ABOUT THE NUMBER OF VETERANS
EMPLOYED BY A CORPORATION OR A LIMITED LIABILITY COMPANY BE
INCLUDED IN ANNUAL REPORTS SUBMITTED BY THOSE CORPORATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 55-16-22 reads as rewritten:

"§ 55-16-22. Annual report.

...

(a3) The annual report required by this section shall be in a form jointly prescribed by the Secretary of Revenue and the Secretary of State. The Secretary of Revenue shall provide the form needed to file an annual report. The Secretary of State shall prescribe the form needed to file an annual report electronically and shall provide this form by electronic means. The annual report shall set forth all of the following:

- (1) The name of the corporation and the state or country under whose law it is incorporated.
- (2) The street address, and the mailing address if different from the street address, of the registered office, the county in which its registered office is located, and the name of its registered agent at that office in this State, and a statement of any change of such registered office or registered agent, or both.
- (3) The address and telephone number of its principal office.
- (4) The names, titles, and business addresses of its principal officers.
- (4a) Repealed by Session Laws 1997-475, s. 6.1, effective January 1, 1998.
- (5) A brief description of the nature of its business.
- (6) The number of full-time equivalent employees employed by the corporation in this State during the period covered by the report who are veterans.

If the information contained in the most recently filed annual report has not changed, a certification to that effect may be made instead of setting forth the information required by subdivisions (2) through (5) of this subsection.

...

(i) The following definitions apply in this section:

- (1) The number of full-time equivalent employees. – A number equal to the total number of hours worked during a particular year by employees of the employer who are veterans, divided by 52, and then divided again by 40.
- (2) Qualifying service. – Any of the following:



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- 1 a. Any length of active full-time service other than active duty for
 2 training prior to September 8, 1980.
 3 b. At least 24 months of active full-time service other than active duty
 4 for training since September 8, 1980.
 5 c. 90 consecutive days of active full-time service during a period of war
 6 as defined in Title 38, United States Code.
 7 d. Any active full-time service or training that resulted in death or
 8 disability to the service member.

- 9 (3) Veteran. – A person with qualifying service in the Armed Forces of the
 10 United States, including the Army, Navy, Air Force, Marine Corps, Coast
 11 Guard, or as a commissioned officer of the Public Health Service, the
 12 Environmental Science Services Administration, or the National Oceanic
 13 and Atmospheric Administration and who was discharged under conditions
 14 other than dishonorable or has achieved veteran status and continues
 15 servng."

16 **SECTION 2.** G.S. 57D-2-24(a) reads as rewritten:

17 "**§ 57D-2-24. Annual report for Secretary of State.**

18 (a) Excluding professional limited liability companies governed by G.S. 57D-2-02,
 19 each LLC and each foreign LLC authorized to transact business in this State must deliver to the
 20 Secretary of State for filing annual reports on a form prescribed by, and in the manner required
 21 by, the Secretary of State and as otherwise provided in subsection (b) of this section. Each
 22 annual report must specify the year for which the report applies and provide the information
 23 required by this subsection. The information must be current as of the date the limited liability
 24 company completes the report. If the information in the limited liability company's most recent
 25 annual report has not changed, the limited liability company may certify in its annual report
 26 that the information has not changed in lieu of restating the information.

27 The following information must be included in each annual report:

- 28 (1) The name of the limited liability company and, in the case of a foreign LLC,
 29 any different name that the foreign LLC is authorized under Article 3 of
 30 Chapter 55D of the General Statutes to use to transact business in this State,
 31 as provided in the foreign LLC's certificate of authority.
 32 (2) In the case of a foreign LLC, the name of the jurisdiction under whose law
 33 the foreign LLC is organized.
 34 (3) The street address, and the mailing address if different from the street
 35 address, of the limited liability company's registered office in the State, the
 36 county in which the registered office is located, the name of its registered
 37 agent at that office, and a statement of any change of the registered office or
 38 registered agent.
 39 (4) The address and telephone number of its principal office.
 40 (5) The names, titles, and business addresses of the limited liability company's
 41 principal company officials.
 42 (6) A brief description of the nature of its business.
 43 (7) The number of full-time equivalent employees employed by the limited
 44 liability company in this State during the period covered by the report who
 45 are veterans.

46 ...
 47 (e) The following definitions apply in this section:

- 48 (1) The number of full-time equivalent employees. – A number equal to the total
 49 number of hours worked during a particular year by employees of the
 50 employer who are veterans, divided by 52, and then divided again by 40.
 51 (2) Qualifying service. – Any of the following:

- 1 a. Any length of active full-time service other than active duty for
2 training prior to September 8, 1980.
3 b. At least 24 months of active full-time service other than active duty
4 for training since September 8, 1980.
5 c. 90 consecutive days of active full-time service during a period of war
6 as defined in Title 38, United States Code.
7 d. Any active full-time service or training that resulted in death or
8 disability to the service member.
9 (3) Veteran. – A person with qualifying service in the Armed Forces of the
10 United States, including the Army, Navy, Air Force, Marine Corps, Coast
11 Guard, or as a commissioned officer of the Public Health Service, the
12 Environmental Science Services Administration, or the National Oceanic
13 and Atmospheric Administration and who was discharged under conditions
14 other than dishonorable or has achieved veteran status and continues
15 servng."

16 **SECTION 3.** Part 5 of Article 1 of Chapter 55 of the General Statutes is amended
17 by adding a new section to read:

18 "**§ 55-1-51. Publication of information about the employment of military veterans by**
19 **North Carolina employers.**

20 Using the information reported pursuant to G.S. 55-16-22(a3)(6) and G.S. 57D-2-24(a)(7),
21 the Secretary of State shall compile summary information about the number of veterans
22 employed in this State by corporations and limited liability companies and shall annually
23 publish that information on its Web site no later than October 1 of each year."

24 **SECTION 4.** The Department of Labor, the Department of Insurance, the
25 Employment Security Commission, the Department of Commerce, and the Industrial
26 Commission shall, to the extent feasible, assist the Secretary of State in notifying the public of
27 the requirements of G.S. 55-16-22(a3)(6) and G.S. 57D-2-24(a)(7).

28 **SECTION 5.** This act becomes effective January 1, 2016, and applies to annual
29 reports submitted on or after that date.