

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
May 26, 2022
S.B. 891
PRINCIPAL CLERK

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SENATE BILL DRS35351-LMa-126

Short Title: DMVA Omnibus Bill.

(Public)

Sponsors: Senators Burgin, Perry, and Lazzara (Primary Sponsors).

Referred to:

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; APPROPRIATING FUNDS TO THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS FOR ONE FULL-TIME POSITION TO ASSIST LICENSING BOARDS IN AIDING MILITARY-TRAINED PERSONS AND MILITARY SPOUSES SEEKING OCCUPATIONAL LICENSES; EXCLUDING UNIFORMED SERVICES RETIREMENT PAY FROM TAXATION; EXTENDING THE PROTECTIONS AND BENEFITS OF THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN TO THE CHILDREN OF NATIONAL GUARD AND RESERVE MEMBERS; 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 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) There is appropriated from the General Fund to the Department of Military and Veterans Affairs the sum of ninety-five thousand dollars (\$95,000) in recurring



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1 funds for the 2022-2023 fiscal year to fund one full-time position to assist occupational licensing
2 boards and State agency licensing boards, as defined in G.S. 93B-1, in complying with the
3 provisions of G.S. 93B-15.1.

4 **SECTION 1.(d)** Subsection (c) of this section becomes effective July 1, 2022.

5 **SECTION 2.(a)** G.S. 105-153.5 reads as rewritten:

6 "**§ 105-153.5. Modifications to adjusted gross income.**

7 ...

8 (b) Other Deductions. – In calculating North Carolina taxable income, a taxpayer may
9 deduct from the taxpayer's adjusted gross income any of the following items that are included in
10 the taxpayer's adjusted gross income:

11 ...

12 (5a) The amount received during the taxable year from the United States
13 government for the payments listed in this subdivision. Amounts deducted
14 under this subdivision may not also be deducted under subdivision (5) of this
15 subsection. The payments are:

16 a. Retirement pay for service in the ~~Armed Forces~~ uniformed services of
17 the United States to a retired member that meets either of the
18 following criteria listed in this sub-subdivision. For purposes of this
19 sub-subdivision, the term "uniformed services" has the same meaning
20 as in 10 U.S.C. § 101(a)(5). The criteria are:

- 21 1. Served at least 20 ~~years~~ years in the uniformed services.
- 22 2. Medically retired under 10 U.S.C. Chapter 61. This deduction
23 does not apply to severance pay received by a ~~member person~~
24 due to separation ~~from the member's armed forces~~ under 10
25 U.S.C. Chapter 61.

26"

27 **SECTION 2.(b)** This section is effective for taxable years beginning on or after
28 January 1, 2022.

29 **SECTION 3.(a)** Article 29B of Chapter 115C of the General Statutes reads as
30 rewritten:

31 "Article 29B.

32 "Educational Opportunities for Military Children.

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

34 ...

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

37 "**§ 115C-407.10. Educational opportunities for children of National Guard and Reserve**
38 **members not in active duty status.**

39 (a) Notwithstanding any other provision of law, including Part 1 of this Article, to the
40 contrary, school-aged children enrolled in Kindergarten through Twelfth (12th) grade in the
41 household of a member of the National Guard or Reserve not in an active duty status shall have
42 the same protections and benefits as children of active duty members of the uniformed services
43 under Part 1 of this Article. Children of members of the National Guard or Reserve in the Inactive
44 National Guard (ING) or Individual Ready Reserve (IRR) shall have the protections and benefits
45 authorized by this section only for the academic school year immediately following the member's
46 transfer into the ING or IRR.

47 (b) The Department of Military and Veterans Affairs shall, in consultation and
48 cooperation with the State Board of Education (State Board), administer and enforce the
49 provisions of this Part in a manner consistent with Part 1 of this Article. The Department and
50 State Board may adopt temporary and permanent rules to effectuate the purposes of this Part."

1 **SECTION 3.(b)** This section is effective when it becomes law and is applicable
2 beginning with the 2022-2023 academic school year.

3 **SECTION 4.(a)** G.S. 126-80 reads as rewritten:

4 "**§ 126-80. Declaration of policy.**

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

10 **SECTION 4.(b)** G.S. 126-81 reads as rewritten:

11 "**§ 126-81. Definitions.**

12 ~~As used~~ The following definitions apply in this Article:

- 13 (1) ~~"A period of war" includes World War I (April 16, 1917, through November~~
14 ~~11, 1918), World War II (December 7, 1941, through December 31, 1946),~~
15 ~~the Korean Conflict (June 27, 1950, through January 31, 1955), the period of~~
16 ~~time between January 31, 1955, and the end of the hostilities in Vietnam (May~~
17 ~~7, 1975), or any other campaign, expedition, or engagement for which a~~
18 ~~campaign badge or medal is authorized by the United States Department of~~
19 ~~Defense.~~
- 20 (2) ~~"Veteran" means a Veteran. – A person who served in the Armed Forces of~~
21 ~~the United States on active duty, for reasons other than training, and has been~~
22 ~~discharged under other than dishonorable conditions.~~
- 23 (3) ~~"Eligible veteran" means:~~ Eligible veteran. – Any of the following persons:
24 a. ~~A veteran who served during a period of war; or~~ veteran.
25 b. ~~The spouse of a disabled veteran; or~~ veteran.
26 c. ~~The surviving spouse or dependent of a veteran who dies on active~~
27 ~~duty during a period of war either directly or indirectly as a result of~~
28 ~~such service; or~~ duty.
29 d. ~~A veteran who suffered a service-connected disability during~~
30 ~~peacetime; or~~ disability.
31 e. ~~The spouse of a veteran described in subdivision~~ sub-subdivision d. of
32 ~~this subsection; or~~ subdivision.
33 f. ~~The surviving spouse or dependent of a person who served in the~~
34 ~~Armed Forces of the United States on active duty, for reasons other~~
35 ~~than training, who died for service-related reasons during~~
36 ~~peacetime reasons."~~

37 **SECTION 4.(c)** G.S. 128-15 reads as rewritten:

38 "**§ 128-15. Employment preference for veterans and their spouses or surviving spouses.**

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

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

- 44 (1) ~~"A period of war" includes World War I (April 16, 1917, through November~~
45 ~~11, 1918), World War II (December 7, 1941, through December 31, 1946),~~
46 ~~the Korean Conflict (June 27, 1950, through January 31, 1955), the period of~~
47 ~~time between January 31, 1955, and the end of the hostilities in Vietnam (May~~
48 ~~7, 1975), or any other campaign, expedition, or engagement for which a~~
49 ~~campaign badge or medal is authorized by the United States Department of~~
50 ~~Defense.~~

- 1 (2) ~~"Veteran" means a Veteran. – A person who served in the Armed Forces of~~
 2 ~~the United States on active duty, for reasons other than training, and has been~~
 3 ~~discharged under other than dishonorable conditions.~~
- 4 (3) ~~"Eligible veteran" means:~~Eligible veteran. – Any of the following persons:
 5 a. ~~A veteran who served during a period of war; or~~veteran.
 6 b. ~~The spouse of a disabled veteran; or~~veteran.
 7 c. ~~The surviving spouse or dependent of a veteran who dies on active~~
 8 ~~duty during a period of war either directly or indirectly as the result of~~
 9 ~~such service; or~~veteran.
 10 d. ~~A veteran who suffered a disabling injury for service-related reasons~~
 11 ~~during peacetime; or~~reasons.
 12 e. ~~The spouse of a veteran described in subdivision-sub-subdivision d. of~~
 13 ~~this subsection; or~~subdivision.
 14 f. ~~The surviving spouse or dependent of a person who served in the~~
 15 ~~Armed Forces of the United States on active duty, for reasons other~~
 16 ~~than training, who dies for service-related reasons—during~~
 17 ~~peacetime-reasons.~~

18 (c) Hereafter, in all evaluations of applicants for positions with this State or any of its
 19 departments, institutions or agencies, a preference shall be awarded to all eligible veterans who
 20 are citizens of the State and who served the State or the United States ~~honorably~~ in the military
 21 forces of this State or of the United States ~~during a period of war.~~States. This preference applies
 22 to initial employment with the State and extends to other employment events including
 23 subsequent hirings, promotions, reassignments, and horizontal transfers.

24 (d) The provisions of this section shall be subject to the provisions of Article 1 of Chapter
 25 165 of the General Statutes, and Parts 13 and 19 of Article 9 of Chapter 143B of the General
 26 Statutes."

27 **SECTION 4.(d)** This section is effective when it becomes law and applies to
 28 applications for public employment made on or after that date.

29 **SECTION 5.** Article 23 of Chapter 153A of the General Statutes is amended by
 30 adding a new section to read as follows:

31 **"§ 153A-460. Intergovernmental Support Agreements with military installations.**

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

35 **SECTION 6.** Article 21 of Chapter 160A of the General Statutes is amended by
 36 adding a new section to read as follows:

37 **"§ 160A-499.5. Intergovernmental Support Agreements with military installations.**

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

41 **SECTION 7.** Unless otherwise indicated, this act is effective when it becomes law.