

2019-2020

**HOUSE
HOMELAND SECURITY,
MILITARY, AND
VETERANS AFFAIRS**

MINUTES



**HOUSE COMMITTEE
ON HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS**

**REP. GEORGE G. CLEVELAND, Chair
REP. MICHAEL SPECIALE, Chair**

**2019-2020 Session
Year 2019
Book 1**

**Pamela Ahlin, Committee Assistant
Hazel Speciale, Committee Assistant**

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

House Standing Committee

Chairs



Rep. Cleveland

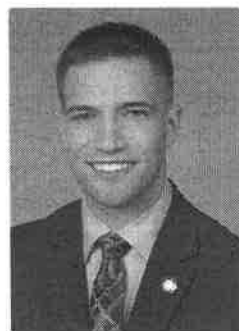


Rep. Speciale

Vice Chairs



Rep. Grange

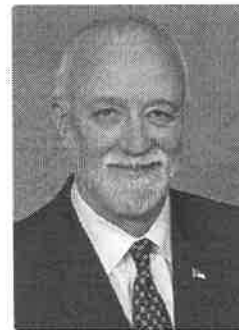


Rep. Henson

Members



Rep. Arp



Rep. Autry



Rep. Boles



Rep. Carter



Rep. Harris



Rep. Horn



Rep. Logan



Rep. Majeed



Rep. Martin



Rep. Meyer



Rep. Pierce



Rep. Potts



Rep. Rogers



Rep. Shepard



Rep. R. Smith



Rep. von Haefen

Pursuant to House Rules 26(e) and 26(f), the Chair of the Committee on Rules, Calendar and Operations of the House, the Speaker Pro Tempore, the Majority Leader, and the Deputy Majority Leader are ex officio members of each standing committee and permanent subcommittee with the right to vote. The previous sentence does not apply to the Standing Committee on Ethics. For the purposes of determining a quorum, when serving only as ex officio members, these members shall be counted among the membership of the committee or subcommittee only when present.

HOMELAND SECURITY, MILITARY AND VETERANS AFFAIRS

2019-2020 SESSION

MEMBER		ASSISTANT	PHONE	OFFICE	SEAT
CLEVELAND, George	Chairman	Pamela Ahlin	715-6707	417A	8
SPECIALE, Michael	Chairman	Hazel Speciale	733-5853	1106	42
GRANGE, Holly	Vice Chair	Laura Holt-Kabel	733-5830	526	64
HENSON, Cody	Vice Chair	Megan Kluttz	715-4466	537	101
ARP, Dean		Katie Stanley	715-3007	307A	54
AUTRY, John		Tina Riley-Humphrey	715-0706	1019	115
BOLES, James		Dina Long	733-5903	528	4
CARTER, Jerry		Theresa Lopez	733-5779	418B	110
HARRIS, Wesley		Suzanne Weiss	733-5995	1321	92
HORN, D. Craig		Erin Wilson	733-2406	305	13
LOGAN, Carolyn		Robert Lockard, III	715-2530	603	83
MAJEED, Nasif		Beverlee Baker	733-5606	1008	103
MARTIN, Grier		Christopher Hailey	733-5773	1023	72
MEYER, Graig		Daphne Quinn	715-3019	1017	57
PIERCE, Garland		Janice Fenner	733-5803	1204	22
POTTS, Larry		Carolina Craig	715-0873	306B1	77
ROGERS, David		Misty Rogers	733-5749	418C	74
SHEPARD, Phil		Pamela Pate	715-9644	534	29
SMITH, Raymond		Susan Thompson	733-5863	2223	91
VON HAEFEN, Julie		Hudson McCormick	715-0795	1311	93

EX-OFFICIO MEMBERS

STEVENS, Sarah		Brown, Lisa	715-1883	419	7
LEWIS, David		Rogers, Grace	715-3015	2301	6
BELL, John		Horne, Susan	715-3017	301F	5
JONES, Brenden		Bailey, Andrew	733-5821	1227	88

COMMITTEE STAFF

Jennifer Bedford, Staff Attorney			733-2578	200	
Billy Godwin, Staff Attorney .			733-2578	200	
Cory Bryson, Policy Advisor			715-3001	1305	

COMMITTEE CLERKS

Pamela Ahlin			715-6707	417A	
Hazel Speciale			733-5853	1106	

ATTENDANCE

Homeland Security, Military and Veteran Affairs

(Name of Committee)

DATES	Rep. George Cleveland, Chairman	Rep. Michael Spicale, Chairman	Rep. Holly Grange, Vice-Chairman	Rep. Cody Henson, Vice-Chairman	Rep. Dean Arp	Rep. John Autry	Rep. James Boles	Rep. Jerry Carter	Rep. Wesley Harris	Rep. D. Craig Horn	Rep. Carolyn Logan	Rep. Nasif Majeed	Rep. Grier Martin	Rep. Graig Meyer	Rep. Garland Pierce	Rep. Larry Potts	Rep. David Rogers	Rep. Phil Shepard	Rep. Raymond Smith	Rep. Julie von Haften		Rep. Sarah Stevens	Rep. David Lewis	Rep. John Bell	Rep. Brenden Jones
	3/12/19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
	4/30/19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
	6/11/19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
	7/10/19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				

House Committee on Homeland Security, Military, and Veterans Affairs
Tuesday, March 12, 2019 at 3:00 PM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Homeland Security, Military, and Veterans Affairs met at 3:00 PM on March 12, 2019 in Room 1228/1327 of the Legislative Building. Representatives Autry, Boles, Carter, Cleveland, Grange, Harris, Henson, Logan, Majeed, Martin, Meyer, Pierce, Potts, Shepard, R. Smith, and von Haefen attended.

Representative Michael Speciale, Chair, presided. Rep. Speciale called the meeting to order and introduced the Pages and the Sergeant At Arms who would be assisting with the Committee.

The following bills were considered:

HB 50 Allow Hyperbaric Oxygen Therapy for TBI/PTSD. (Representatives Murphy, Grange, Martin, Speciale)

Rep. Speciale stated that House Bill 50, "Allow Hyperbaric Oxygen Therapy for TBI/PTSD" was before the Committee for consideration and recognized Rep. Murphy to explain the bill. House Bill 50 would allow veterans residing in this State diagnosed with traumatic brain injury (TBI) or posttraumatic stress disorder (PTSD) by an authorized medical professional to receive hyperbaric oxygen therapy treatment (HBOT) in the State.

Charlie Smith, Chairman of the American Legion, Department of North Carolina spoke in favor of the bill.

Rep. G. Martin was recognized and moved that House Bill 50 receive a favorable report with a referral to Rules, Calendar and Operations of the House. Rep. Speciale called for the vote and the motion carried.

The meeting adjourned at 3:13 pm.



Representative Michael Speciale, Chair
Presiding



Hazel Speciale, Committee Clerk

Updated #1: Removed HB64

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION**

You are hereby notified that the **House Committee on Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Tuesday, March 12, 2019
TIME: 3:00 PM
LOCATION: 1228/1327 LB
COMMENTS: Rep. Michael Speciale presiding

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 50</u>	Allow Hyperbaric Oxygen Therapy for TBI/PTSD.	Representative Murphy Representative Grange Representative Martin Representative Speciale

Respectfully,

Representative George G. Cleveland, Co-Chair
Representative Michael Speciale, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:56 AM on Tuesday, July 23, 2019.

____ Principal Clerk
____ Reading Clerk – House Chamber

Hazel Speciale (Committee Assistant)

House Committee on Homeland Security, Military, and Veterans Affairs
Tuesday, March 12, 2019, 3:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of the Sergeant of Arms

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 50	Allow Hyperbaric Oxygen Therapy for TBI/PTSD.	Representative Murphy Representative Grange Representative Martin Representative Speciale

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 50

Short Title: Allow Hyperbaric Oxygen Therapy for TBI/PTSD. (Public)

Sponsors: Representatives Murphy, Grange, Martin, and Speciale (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Homeland Security, Military, and Veterans Affairs, if favorable, Rules, Calendar, and Operations of the House

February 13, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CERTAIN MEDICAL PROFESSIONALS TO PRESCRIBE OR
PROVIDE HYPERBARIC OXYGEN THERAPY FOR VETERANS WITH TRAUMATIC
BRAIN INJURY AND POSTTRAUMATIC STRESS DISORDER.

Whereas, hyperbaric oxygen therapy is a recognized and accepted treatment for
wound care and inflammation disorders; and

Whereas, traumatic brain injury and posttraumatic stress disorder are recognized to
result from brain injuries and subsequent inflammation; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as the "North Carolina
Veterans Traumatic Brain Injury and Posttraumatic Stress Disorder Treatment and Recovery Act
of 2019."

SECTION 2.(a) G.S. 122C-455 through G.S. 122C-464. Reserved for future
codification purposes.

SECTION 2.(b) Article 6 of Chapter 122C of the General Statutes is amended by
adding a new Part to read:

"Part 5. Traumatic Brain Injury and Posttraumatic Stress Disorder Services for Veterans.

"§ 122C-465. Definitions.

As used in this Part, the following definitions apply:

- (1) Authorized medical professional. – A doctor of medicine, nurse practitioner, physician assistant, or doctor of osteopathy licensed to practice in this State.
- (2) Hyperbaric oxygen therapy treatment. – Treatment with a valid prescription from an authorized medical professional in either a hyperbaric chamber approved by the United States Food and Drug Administration (FDA), or a device with an appropriate FDA-approved investigational device exemption.
- (3) Veteran. – A person who served on active duty, other than for training, in any component of the Armed Forces of the United States for a period of 180 days or more, unless released earlier because of service-connected disability, and who was discharged or released from the Armed Forces of the United States under other than dishonorable conditions.

"§ 122C-465.1. Hyperbaric oxygen therapy treatment authorized.

(a) No person other than an authorized medical professional shall prescribe or provide hyperbaric oxygen therapy treatment to a veteran for the treatment of traumatic brain injury or posttraumatic stress disorder. Any authorized medical professional who prescribes or provides



1 hyperbaric oxygen therapy treatment to a veteran for traumatic brain injury or posttraumatic
2 stress disorder shall do so in a manner that complies with the standard approved treatment
3 protocols for this therapy.

4 (b) Any veteran residing in North Carolina who has been diagnosed with a traumatic
5 brain injury or posttraumatic stress disorder by an authorized medical professional may receive
6 hyperbaric oxygen therapy treatment in this State."

7 **SECTION 2.(c)** G.S. 122C-465.2 through G.S. 122C-465.5. Reserved for future
8 codification purposes.

9 **SECTION 3.** This act becomes effective October 1, 2019.



HOUSE BILL 50: Allow Hyperbaric Oxygen Therapy for TBI/PTSD.

2019-2020 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 12, 2019
Introduced by:	Reps. Murphy, Grange, Martin, Speciale	Prepared by:	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: House Bill 50 would allow veterans residing in this State diagnosed with traumatic brain injury (TBI) or posttraumatic stress disorder (PTSD) by an authorized medical professional to receive hyperbaric oxygen therapy treatment (HBOT) in the State.

The act would become effective October 1, 2019.

BILL ANALYSIS: House Bill 50 would enact the *North Carolina Veterans Traumatic Brain Injury and Posttraumatic Stress Disorder Treatment and Recovery Act of 2019*. This act would authorize a North Carolina licensed doctor of medicine, nurse practitioner, physician assistant, or doctor of osteopathy to prescribe HBOT in this State to a resident veteran diagnosed with TBI or PTSD. The act would require HBOT to comply with approved treatment protocols.

EFFECTIVE DATE: The act would become effective October 1, 2019.

BACKGROUND: HBOT is a procedure where patients receive 100 percent oxygen in a pressurized chamber where the air pressure is up to three times above normal atmospheric pressure. Hyperbaric (high pressure) oxygen increases the amount of dissolved oxygen in the blood being carried to organs and connective tissues.¹

¹ <https://www.fda.gov/forconsumers/consumerupdates/ucm364687.htm>

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS COMMITTEE REPORT

Representative George G. Cleveland, Co-Chair

Representative Michael Speciale, Co-Chair

FAVORABLE AND RE-REFERRED

HB 50

Allow Hyperbaric Oxygen Therapy for TBI/PTSD.

Draft Number: None

Serial Referral: **RULES, CALENDAR, AND
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Murphy

TOTAL REPORTED: 1



* C M R 9 0 - V - 1 *

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Homeland Security, Military, and Veterans Affairs

DATE: 3/12/2019

Room: 1228/1327

House Sgt-At Arms:

1. Name: Ken Gilbert

2. Name: Thomas Terry

3. Name: David Leighton

4. Name: _____

5. Name: _____

Senate Sgt-At Arms:

1. Name: _____

2. Name: _____

3. Name: _____

4. Name: _____

5. Name: _____

**House Pages
Assignments
Tuesday, March 12, 2019
Session: 4:45 PM**

Committee	Room	Time	Staff	Comments	Member
Wildife Resources	1228/1327	2:00 PM	Moirra Kelly		Speaker. Tim Moore
			Katie Savell		Speaker. Tim Moore
Homeland Security, Military, and Veterans Affairs	1228/1327	3:00 PM	Levan Lyle Katie Savell		Speaker. Tim Moore
			Gabria Savage		Speaker. Tim Moore

VISITOR REGISTRATION SHEET

HC on Homeland Security, Military, and Veterans Affairs

3/12/2019

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Jim Hooker

VETERAN

ANGELA DUNSTON

On VA

FERRY WESTBROOK

On VA

Charlie Smith

A.L. Dept of N.C

Gene Royall

• NCFPL

VISITOR REGISTRATION SHEET

HC on Homeland Security, Military, and Veterans Affairs

3/12/2019

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

JERRY SCHILL

NC Fishery Assoc.

Chandler Spaulding

SA

I'm Am Family

NLM



**House Committee on Homeland Security, Military, and Veterans Affairs
Tuesday, April 30, 2019 at 3 PM
Room 425 Legislative Office Building**

MINUTES

The House Committee on Homeland Security, Military, and Veterans Affairs met at 3 PM on April 30, 2019 in Room 425. Representatives Autry, Carter, Cleveland, Grange, Harris, Logan, Majeed, Martin, Potts, Speciale, and von Haefen attended. Legislative Staff members Bedford and Godwin were present. Attached to these Minutes are the list of the House Sergeant At Arms and the Pages who served the committee, along with the list of Visitors to the committee.

Rep. George G. Cleveland presided.

House Bill 274 - Child Abuse & Neglect/Military Affiliation. (Attachment # 1)

Rep. Cleveland stated that HB 274 was before the committee. A PCS was presented, and without objection, the PCS was before the committee (Attachment #2). Rep. Cleveland recognized Rep. Grange to explain the bill. There were no questions. Rep. Autry was recognized and moved that the PCS for HB 274 receive a favorable report, unfavorable as to the original bill, and re-referred to Rules committee. Rep. Cleveland called for the vote, and the motion carried.

House Resolution 550 - Urge Congressional Support of VA MISSION Act.
(Attachment #3)

Rep. Cleveland stated that HR 550 was before the committee, and called on Rep. Grange to explain the bill. Following the explanation, there were no questions. Rep. Potts moved that the Resolution be adopted by giving it a favorable report, and stated the serial referral of the Resolution to Rules committee. Rep. Cleveland called for the vote, and the motion carried.

House Bill 902 - Military-Trained/Spouse Licensure Practices. (Attachment #4)

Rep. Cleveland brought HB 902 to the committee and asked Rep. Grange to explain the bill. Rep. Grange offered an amendment to the bill (Attachment #5). Rep. Potts moved that the committee consider the amendment. Rep. Cleveland called for a vote on the amendment, and the amendment passed. Rep. Grange explained the bill as amended. There were no questions. Rep. G. Martin moved that the amended bill be rolled into a PCS and re-referred to the Rules committee. Rep. Cleveland called for a vote, and the motion carried.

There being no further business, the Chair adjourned the meeting at 3:11 PM.



Rep. George G. Cleveland
Presiding



Pamela Ahlin, Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION**

You are hereby notified that the **House Committee on Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Tuesday, April 30, 2019
TIME: 3:00 PM
LOCATION: 1228/1327 LB
COMMENTS: Rep. Cleveland will preside.
Bills to be added at a later date.

Respectfully,

Representative George G. Cleveland, Co-Chair
Representative Michael Speciale, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:46 AM on Monday, April 15, 2019.

____ Principal Clerk
____ Reading Clerk – House Chamber

Pamela Ahlin (Committee Assistant)

Updated #1: ADDED BILLS AND ROOM CHANGE

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION**

You are hereby notified that the **House Committee on Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Tuesday, April 30, 2019
TIME: 3:00 PM
LOCATION: 425 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 274</u>	Child Abuse & Neglect/Military Affiliation.	Representative Grange Representative Potts Representative White
<u>HR 550</u>	Urge Congressional Support of VA MISSION Act.	Representative Grange Representative Potts Representative Szoka
<u>HB 902</u>	Military-Trained/Spouse Licensure Practices.	Representative Grange Representative Bell

Respectfully,

Representative George G. Cleveland, Co-Chair
Representative Michael Speciale, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:00 PM on Monday, April 29, 2019.

____ Principal Clerk
____ Reading Clerk -- House Chamber

Pamela Ahlin (Committee Assistant)



**House Committee on Homeland Security, Military, and Veterans Affairs
Tuesday, April 30, 2019, 3:00 PM
425 Legislative Office Building**

AGENDA

Representative George G. Cleveland, Presiding Chair

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 274	Child Abuse & Neglect/Military Affiliation.	Representative Grange Representative Potts Representative White
HR 550	Urge Congressional Support of VA MISSION Act.	Representative Grange Representative Potts Representative Szoka
HB 902	Military-Trained/Spouse Licensure Practices.	Representative Grange Representative Bell

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 274

Short Title: Child Abuse & Neglect/Military Affiliation. (Public)

Sponsors: Representatives Grange, Potts, and White (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House

March 6, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING A LOCAL DIRECTOR OF SOCIAL SERVICES TO DETERMINE IF A JUVENILE WHO IS ALLEGED TO HAVE BEEN ABUSED, NEGLECTED, OR DEPENDENT HAS AN ASSOCIATION WITH THE MILITARY AND TO SHARE THAT INFORMATION WITH THE APPROPRIATE MILITARY AUTHORITIES, WHEN APPLICABLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-302 reads as rewritten:

"§ 7B-302. Assessment by director; military affiliation; access to confidential information; notification of person making the report.

(a) When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough assessment, using either a family assessment response or an investigative assessment response, in order to ascertain the facts of the case, including collecting information concerning the military affiliation of the parent, guardian, custodian, or caretaker of the juvenile alleged to have been abused or neglected, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the director shall immediately, but no later than 24 hours after receipt of the report, initiate the assessment. When the report alleges neglect or dependency, the director shall initiate the assessment within 72 hours following receipt of the report. When the report alleges abandonment of a juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately initiate an assessment. When the report alleges abandonment, the director shall also take appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall include a visit to the place where the juvenile resides, except when the report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes. When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes, a visit to the place where the juvenile resides is not required. When the report alleges abandonment, the assessment shall include a request from the director to law enforcement officials to investigate through the North Carolina Center for Missing Persons and other national and State resources whether the juvenile is a missing child.

(a1) All information received by the department of social services, including the identity of the reporter, shall be held in strictest confidence by the department, except under the following circumstances:



* H 2 7 4 - V - 1 *

(1) The department shall disclose confidential information to any federal, State, or local government entity or its agent, or any private child placing or adoption agency licensed by the Department of Health and Human Services, in order to protect a juvenile from abuse or neglect. The disclosure of confidential information pursuant to this subdivision shall include sharing information with the appropriate military authority if the department determines the parent, guardian, custodian, or caretaker of the juvenile alleged to have been abused or neglected has a military affiliation. Any confidential information disclosed to any federal, State, or local government entity or its agent under this subsection shall remain confidential with the other entity or its agent and shall only be redisclosed for purposes directly connected with carrying out that entity's mandated responsibilities.

...."

SECTION 2. G.S. 7B-307 reads as rewritten:

"§ 7B-307. Duty of director to report evidence of abuse, neglect; investigation by local law enforcement; notification to appropriate military authority; notification of Department of Health and Human Services.

(a) If the director finds evidence that a juvenile may have been abused as defined by G.S. 7B-101, the director shall make an immediate oral and subsequent written report of the findings to the district attorney or the district attorney's designee and the appropriate local law enforcement ~~agency~~ agency, including notifying the appropriate military authority that there is an allegation of abuse or neglect relating to the parent, guardian, custodian, or caretaker with the military affiliation, within 48 hours after receipt of the report. The local law enforcement agency shall immediately, but no later than 48 hours after receipt of the information, initiate and coordinate a criminal investigation with the protective services assessment being conducted by the county department of social services. Upon completion of the investigation, the district attorney shall determine whether criminal prosecution is appropriate and may request the director or the director's designee to appear before a magistrate.

If the director receives information that a juvenile may have been physically harmed in violation of any criminal statute by any person other than the juvenile's parent, guardian, custodian, or caretaker, the director shall make an immediate oral and subsequent written report of that information to the district attorney or the district attorney's designee and to the appropriate local law enforcement agency within 48 hours after receipt of the information. The local law enforcement agency shall immediately, but no later than 48 hours after receipt of the information, initiate a criminal investigation. Upon completion of the investigation, the district attorney shall determine whether criminal prosecution is appropriate.

If the report received pursuant to G.S. 7B-301 involves abuse or neglect of a juvenile or child maltreatment, as defined in G.S. 110-105.3, in child care, the director shall notify the Department of Health and Human Services within 24 hours or on the next working day of receipt of the report.

The director of the department of social services shall submit a report of alleged abuse, neglect, or dependency cases or child fatalities that are the result of alleged maltreatment to the central registry under the policies adopted by the Social Services Commission.

(b), (c) Repealed by Session Laws 2015-123, s. 5, effective January 1, 2016."

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



HOUSE BILL 274: Child Abuse & Neglect/Military Affiliation.

2019-2020 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 30, 2019
Introduced by:	Reps. Grange, Potts, White	Prepared by:	Jennifer H. Bedford
Analysis of:	PCS to First Edition H274-CSTT-22		Staff Attorney

OVERVIEW: *The PCS for House Bill 274 would require the department of social services to collect information regarding the caretaker's military affiliation in the course of an abuse, neglect, or dependency assessment and if evidence of abuse is found by the director, require the director to report the abuse to the appropriate military agency.*

CURRENT LAW:

G. S. 7B-302 requires that information be collected for the director of the department of social services to assess an allegation of abuse, neglect, or dependency.

G. S. 7B-307 requires the director of the department of social services to report to the district attorney and local law enforcement if the director finds evidence of abuse on a juvenile.

BILL ANALYSIS:

Section 1 of the PCS for House Bill 274 would authorize the collection of information regarding the military affiliation of a parent, guardian, custodian, or caretaker of a juvenile alleged to have been abused.

Section 1 of the PCS for House Bill 274 would also allow the sharing of information that is otherwise confidential, with a military authority if there has been evidence of abuse found.

Section 2 of the PCS for House Bill 274 would require the director of social services to notify the appropriate military authority if evidence of abuse has been found.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: The Department of Defense is required to report all allegations of abuse and neglect to the local department of social services. The Department of Defense has asked for state legislation that requires the local department of social services to share reports of abuse and neglect with the the appropriate military personnel.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 274
PROPOSED COMMITTEE SUBSTITUTE H274-CSTT-22 [v.1]

04/05/2019 01:18:14 PM

Short Title: Child Abuse & Neglect/Military Affiliation.

(Public)

Sponsors:

Referred to:

March 6, 2019

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING A LOCAL DIRECTOR OF SOCIAL SERVICES TO DETERMINE
3 IF A JUVENILE WHO IS ALLEGED TO HAVE BEEN ABUSED, NEGLECTED, OR
4 DEPENDENT HAS AN ASSOCIATION WITH THE MILITARY AND TO SHARE THAT
5 INFORMATION WITH THE APPROPRIATE MILITARY AUTHORITIES, WHEN
6 APPLICABLE.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 7B-302 reads as rewritten:

9 "§ 7B-302. Assessment by director; military affiliation; access to confidential information;
10 notification of person making the report.

11 (a) When a report of abuse, neglect, or dependency is received, the director of the
12 department of social services shall make a prompt and thorough assessment, using either a family
13 assessment response or an investigative assessment response, in order to ascertain the facts of the
14 case, including collecting information concerning the military affiliation of the parent, guardian,
15 custodian, or caretaker of the juvenile alleged to have been abused or neglected, the extent of the
16 abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective
17 services should be provided or the complaint filed as a petition. When the report alleges abuse,
18 the director shall immediately, but no later than 24 hours after receipt of the report, initiate the
19 assessment. When the report alleges neglect or dependency, the director shall initiate the
20 assessment within 72 hours following receipt of the report. When the report alleges abandonment
21 of a juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately
22 initiate an assessment. When the report alleges abandonment, the director shall also take
23 appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to
24 secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall
25 include a visit to the place where the juvenile resides, except when the report alleges abuse or
26 neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes.
27 When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter
28 110 of the General Statutes, a visit to the place where the juvenile resides is not required. When
29 the report alleges abandonment, the assessment shall include a request from the director to law
30 enforcement officials to investigate through the North Carolina Center for Missing Persons and
31 other national and State resources whether the juvenile is a missing child.

32 (a1) All information received by the department of social services, including the identity
33 of the reporter, shall be held in strictest confidence by the department, except under the following
34 circumstances:

- 35 (1) The department shall disclose confidential information to any federal, State,
36 or local government entity or its agent, or any private child placing or adoption



agency licensed by the Department of Health and Human Services, in order to protect a juvenile from abuse or neglect. The disclosure of confidential information pursuant to this subdivision shall include sharing information with the appropriate military authority if the director finds evidence that a juvenile may have been abused or neglected and the parent, guardian, custodian, or caretaker of the juvenile alleged to have been abused or neglected has a military affiliation. Any confidential information disclosed to any federal, State, or local government entity or its agent under this subsection shall remain confidential with the other entity or its agent and shall only be redisclosed for purposes directly connected with carrying out that entity's mandated responsibilities.

...."

SECTION 2. G.S. 7B-307 reads as rewritten:

"§ 7B-307. Duty of director to report evidence of abuse, neglect; investigation by local law enforcement; notification to appropriate military authority; notification of Department of Health and Human Services.

(a) If the director finds evidence that a juvenile may have been abused as defined by G.S. 7B-101, the director shall make an immediate oral and subsequent written report of the findings to the district attorney or the district attorney's designee and the appropriate local law enforcement ~~agency~~ agency including notifying the appropriate military authority that there is evidence of abuse or neglect of a juvenile by a parent, guardian, custodian, or caretaker with that military affiliation, within 48 hours after receipt of the report. The local law enforcement agency shall immediately, but no later than 48 hours after receipt of the information, initiate and coordinate a criminal investigation with the protective services assessment being conducted by the county department of social services. Upon completion of the investigation, the district attorney shall determine whether criminal prosecution is appropriate and may request the director or the director's designee to appear before a magistrate.

If the director receives information that a juvenile may have been physically harmed in violation of any criminal statute by any person other than the juvenile's parent, guardian, custodian, or caretaker, the director shall make an immediate oral and subsequent written report of that information to the district attorney or the district attorney's designee and to the appropriate local law enforcement agency within 48 hours after receipt of the information. The local law enforcement agency shall immediately, but no later than 48 hours after receipt of the information, initiate a criminal investigation. Upon completion of the investigation, the district attorney shall determine whether criminal prosecution is appropriate.

If the report received pursuant to G.S. 7B-301 involves abuse or neglect of a juvenile or child maltreatment, as defined in G.S. 110-105.3, in child care, the director shall notify the Department of Health and Human Services within 24 hours or on the next working day of receipt of the report.

The director of the department of social services shall submit a report of alleged abuse, neglect, or dependency cases or child fatalities that are the result of alleged maltreatment to the central registry under the policies adopted by the Social Services Commission.

(b), (c) Repealed by Session Laws 2015-123, s. 5, effective January 1, 2016."

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

GENERAL ASSEMBLY OF NORTH CARO

SESSION 2019

H

1

HOUSE RESOLUTION 550

Sponsors: Representatives Grange, Potts, and Szoka (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Rules, Calendar, and Operations of the House

April 3, 2019

1 A HOUSE RESOLUTION URGING CONGRESS TO ENSURE FULL IMPLEMENTATION
2 OF THE VA MISSION ACT OF 2018.

3 Whereas, the VA Maintaining Internal Systems and Strengthening Integrated Outside
4 Networks (MISSION) Act of 2018 passed with large bipartisan support and was signed into law
5 on June 6, 2018; and

6 Whereas, the VA MISSION Act requires an overhaul and modernization of the VA
7 health care system, and when properly implemented, will preserve the beneficial aspects of the
8 VA health care system while providing veterans increased health care options; and

9 Whereas, some of the highlights of the VA MISSION Act include:

- 10 (1) Consolidating VA's seven community care programs, making community care
11 work better for veterans, community health care providers, and VA staff. This
12 provision will also update the payment processes within the VA to ensure
13 more timely payment of community providers, increase certainty for veterans
14 by authorizing a permanent community care program to replace the current
15 temporary and flawed VA Choice program, and clear eligibility standards to
16 access community care, if the VA does not offer the care or services the
17 veteran needs.
- 18 (2) Expanding eligibility for the VA Family Caregiver Program to veterans from
19 all eras of service seriously injured while serving in the military, rather than
20 only those serving since September 11, 2001.
- 21 (3) Strengthening the VA's workforce by allowing the VA to recruit and retain
22 the best medical providers. This provision will allow the removal of barriers
23 for VA health care professionals to practice telemedicine and such
24 possibilities as the establishment of mobile deployment teams for underserved
25 and rural facilities to provide specialized and routine health care. This
26 provision will also allow the VA to partner with State veterans homes,
27 including the four operated by the State of North Carolina that serve over 400
28 North Carolina veterans, by entering into provider agreements that are not
29 subject to federal contracting regulations.
- 30 (4) Strengthening the VA's ability to manage its real property portfolio and build
31 a high-performing, integrated health care system; and

32 Whereas, the Department of Veterans Affairs has until June 6, 2019, to implement
33 major components of the law, including the new veterans community care program in a manner
34 consistent with the letter and spirit in which the VA MISSION Act was written; and



1 Whereas, as "The Veteran-Friendly State," North Carolina is home to more than
2 778,000 veterans, who deserve to be supported in all aspects of their lives; Now, therefore,
3 Be it resolved by the House of Representatives:

4 **SECTION 1.** The North Carolina House of Representatives urges Congress to ensure
5 full implementation of the VA MISSION Act of 2018 so that the veterans in this country can
6 have access to excellent health care.

7 **SECTION 2.** The Principal Clerk shall transmit a copy of this resolution in any
8 format deemed appropriate to the members of North Carolina's congressional delegation.

9 **SECTION 3.** This resolution is effective upon adoption.



HOUSE RESOLUTION 550: Urge Congressional Support of VA MISSION Act.

2019-2020 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 29, 2019
Introduced by:	Reps. Grange, Potts, Szoka	Prepared by:	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Resolution 550 would urge Congress to ensure full implementation of the VA MISSION Act of 2018.*

CURRENT LAW: The VA MISSION Act of 2018 (the Act) was enacted by Congress and signed into law by the President on June 6, 2018.¹ The Act consolidates VA community care programs, expands eligibility for the VA Family Caregiver Program to veterans from all eras of service, strengthens VA's workforce by allowing the VA to recruit and retain the additional medical providers, and strengthens VA's ability to manage its real property portfolio.² The VA is required to implement major components of the Act no later than June 6, 2019.

BILL ANALYSIS: House Resolution 550 would urge Congress to ensure full implementation of the VA MISSION Act of 2018 so that the veterans in this country can have access to excellent health care and would require the House Principal Clerk to transmit a copy of the resolution in any format deemed appropriate to the members of North Carolina's congressional delegation.

EFFECTIVE DATE: The resolution would be effective upon adoption.

¹ The Act is formally entitled the *VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018*.

² <https://www.va.gov/oei/missionAct/>.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

1

HOUSE BILL 902

Short Title: Military-Trained/Spouse Licensure Practices. (Public)

Sponsors: Representatives Grange and Bell (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Rules, Calendar, and Operations of the House

April 22, 2019

A BILL TO BE ENTITLED
AN ACT PROVIDING THAT THE PROGRAM EVALUATION DIVISION SHALL STUDY
WAYS IN WHICH TO IMPROVE THE ABILITY OF MILITARY-TRAINED
APPLICANTS AND MILITARY SPOUSES TO BECOME LICENSED BY
OCCUPATIONAL LICENSING BOARDS IN THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Program Evaluation Division, in consultation with the Department of Military and Veterans Affairs, shall study the extent to which the provisions of G.S. 93B-15.1 has improved the ability of military-trained applicants and military spouses to become licensed by occupational licensing boards in the State. All occupational licensing boards, as that term is defined in G.S. 93B-1 shall cooperate with the Program Evaluation Division in conducting this study, including providing data on its compliance with the provisions of G.S. 93B-15.1. In conducting the study, the Program Evaluation Division shall consider, among other things, the following:

- (1) Whether the criteria in G.S. 93B-15.1 should be expanded to allow for the licensure of more military-trained applicants and military spouses.
- (2) The effectiveness of publishing information on the criteria for licensure of military spouses as required by G.S. 93B-15.1, and whether there are additional platforms on which this information should be published to ensure broader dissemination to military spouses.
- (3) The feasibility and effectiveness of including a question about military status, including status as a military spouse, on applications for licensure.
- (4) Determining what steps can be taken to provide or enhance continuing education programs to assist military spouses in maintaining an active occupational license, even if issued by another state.
- (5) Providing training for at least one employee in the Department of Military and Veterans Affairs on the licensure process outlined in G.S. 93B-15 for military-trained applicants and military spouses, and considering ways in which to disseminate information about this employee's availability to applicants.
- (6) Develop a process for annually gathering data from all occupational licensing boards on the number of military-trained applicants and military spouses who
(i) were licensed pursuant to G.S. 93B-15.1 or under the existing licensure, certification, or registration requirements established by occupational



1 licensing boards and (ii) were denied licensure. The data shall include a
2 summary of the reasons military-trained applicants and military spouses were
3 denied licensure, but shall not disclose any identifying information about any
4 applicant.

5 **SECTION 1.(b)** By February 1, 2020, the Program Evaluation Division shall report
6 the findings of its study, and any recommendations for proposed legislation, to the Joint
7 Legislative Oversight Committee on General Government and to the Department of Military and
8 Veterans Affairs.

9 **SECTION 2.** This act is effective when it becomes law.



HOUSE BILL 902: Military-Trained/Spouse Licensure Practices.

2019-2020 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 30, 2019
Introduced by:	Reps. Grange, Bell	Prepared by:	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Bill 902 would require the Program Evaluation Division (PED) to study the extent to which the provisions of G.S. 93B-15.1 has improved the ability of military-trained applicants and military spouses to become licensed by occupational licensing boards in the State.*

CURRENT LAW: The Program Evaluation Division of the Legislative Services Commission is a staff agency of the General Assembly. Its purpose is to assist the General Assembly in fulfilling its responsibility to oversee government functions by providing an independent, objective source of information to be used in evaluating whether programs or activities of a State agency, or programs or activities of a non-State entity conducted or provided using State funds, are operated and delivered in the most effective and efficient manner and in accordance with law. G.S. 93B-15.1 requires occupational licensing boards to issue occupational licenses to military trained applicants and military spouse applicants upon proof to an occupational licensing board that they possess certain qualifications and experiences sufficient to allow them to practice their occupation in this State.

BILL ANALYSIS: House Bill 902 would require PED to study the extent to which G.S. 93B-15.1 has improved the ability of military trained applicants and military spouses to become licensed by occupational licensing boards in the State and would require all occupational licensing boards, as defined in G.S. 93B-1, to cooperate in conducting this study. The bill would direct PED to consider the following:

- Whether G.S. 93B-15.1 should be expanded to allow licensure of more military trained applicants and military spouses.
- The effectiveness of publishing information on the criteria for licensure of military spouses and whether additional platforms are available to publish this information.
- The feasibility and effectiveness of including a question about military status and status as a military spouse, on applications for licensure.
- Determining what steps can be taken to provide or enhance continuing education programs to assist military spouses in maintaining an active occupational license, even if issued by another state.
- Providing training for at least one employee in the Department of Military and Veterans Affairs on the licensure process outlined in G.S. 93B-15 and to consider ways to disseminate information about this employee's availability to applicants.
- Whether to develop a process for annually gathering occupational licensing board data on the number of military trained applicants and military spouses who (i) were licensed pursuant to G.S. 93B-15.1 or under the existing licensure, certification, or registration requirements established by occupational licensing boards and (ii) were denied licensure.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House Bill 902

Page 2

House Bill 902 would require PED to submit the findings of its study and any recommendations for proposed legislation, to the Joint Legislative Oversight Committee on General Government and to the Department of Military and Veterans Affairs by February 1, 2020.

EFFECTIVE DATE: The bill would be effective when the act becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 902

H902-ABD-9 [v.1]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 1 of 1

Amends Title [NO]
First Edition

Date _____, 2019

Representative Grange

- 1 moves to amend the bill on page 1, line 31, by rewriting the line to read:
2
3 "(6) Whether to develop a process for annually gathering data from all occupational
4 licensing".
5
6

SIGNED _____


Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____



FAILED _____

TABLED _____



**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS COMMITTEE REPORT

Representative George G. Cleveland, Co-Chair

Representative Michael Speciale, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 274

Child Abuse & Neglect/Military Affiliation.

Draft Number: H274-PCS40442-TT-22

**Serial Referral: RULES, CALENDAR, AND
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Grange

HB 902

Military-Trained/Spouse Licensure Practices.

Draft Number: H902-PCS10620-BD-17

**Serial Referral: RULES, CALENDAR, AND
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Grange

TOTAL REPORTED: 2



* C M R 3 6 5 - V - 1 *

**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS COMMITTEE REPORT

Representative George G. Cleveland, Co-Chair

Representative Michael Speciale, Co-Chair

FAVORABLE FOR ADOPTION AND RE-REFERRED

HR 550

Urge Congressional Support of VA MISSION Act.

Draft Number: None

Serial Referral: **RULES, CALENDAR, AND
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Grange

TOTAL REPORTED: 1



* C M R 3 6 2 - V - 1 *

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Homeland Security, Military, & Veterans Affairs

DATE: 4/30/2019 **Room:** 425 LOB

House Sgt-At Arms:

1. **Name:** Warren Hawkins
2. **Name:** Doug Harris
3. **Name:** David Linthicum
4. **Name:** Malachi McCullough, Jr
5. **Name:** _____

Senate Sgt-At Arms:

1. **Name:** _____
2. **Name:** _____
3. **Name:** _____
4. **Name:** _____
5. **Name:** _____

**House Pages
Assignments
Tuesday, April 30, 2019
Session: 9:30 AM**

Committee	Room	Time	Staff	Comments	Member
Homelessness, Foster Care, and Dependency	425	2:00 PM	Isabelle Lam		Rep. Debra Conrad
Rules, Calendar, and Operations of the House	1228/1327	2:30 PM	Gerald Blohm		Rep. John Fraley
			Jacob Dillman		Rep. Cecil Brockman
Alcoholic Beverage Control	643	3:00 PM	Stephon Dixon		Rep. Kandie D. Smith
Banking	422	3:00 PM	Bronwyn McVeigh		Rep. James L. Boles, Jr.
			Colin Vess		Rep. Jon Hardister
Homeland Security, Military, and Veterans Affairs	425	3:00 PM	Ethan Brooks		Speaker Tim Moore
			Mya Hernandez		Rep. Tim Moore

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

Name of Committee

APRIL 30, 2019

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

[illegible]

House Committee on Homeland Security, Military, and Veterans Affairs
Tuesday, June 11, 2019 at 3:00 PM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Homeland Security, Military, and Veterans Affairs met at 3:00 PM on June 11, 2019 in Room 1228/1327 of the Legislative Building. Representatives Arp, Autry, Boles, Carter, Cleveland, Grange, Harris, Horn, Logan, Majeed, Martin, Meyer, Pierce, Potts, Shepard, R. Smith, (Excused Absence) and von Haefen attended.

Representative Michael Speciale Presiding Chair. Rep. Speciale called the meeting to order and introduced the Pages and the Sergeant At Arms who would be assisting with the Committee.

The following bills were considered:

HB 954 Qualified Disabled Veteran/10% Preference. (Representatives Jarvis, Horn, Potts)

Rep. Speciale stated that House Bill 954 has a Proposed Committee Substitute and are there any objections to the PCS before us. There were no objections and the PCS was accepted. House Bill 954 would create a preference by requiring that a qualified disabled veteran-owned business that bids within 10% of the lowest bid received, be given an opportunity to match that bid for a State construction or repair contract.

Rep. Jarvis explained the bill and questions were answered.

Charlie Smith, Chairman of the American Legion, Department of North Carolina spoke in favor of the bill.

Rep. Potts was recognized and moved that House Bill 954 receive a favorable report with a referral to Appropriation, General Government.

Rep. Speciale called for the vote and the motion carried.

The meeting adjourned at 3:25.



Representative Michael Speciale, Presiding Chair



Hazel Speciale, Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION**

You are hereby notified that the **House Committee on Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Tuesday, June 11, 2019
TIME: 3:00 PM
LOCATION: 1228/1327 LB
COMMENTS: Rep. Michael Speciale presiding.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 954</u>	Qualified Disabled Veteran Preference.	Representative Jarvis Representative Horn Representative Potts

Respectfully,

Representative George G. Cleveland, Co-Chair
Representative Michael Speciale, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:56 AM on Tuesday, July 23, 2019.

____ Principal Clerk
____ Reading Clerk – House Chamber

Hazel Speciale (Committee Assistant)

**House Committee on Homeland Security, Military, and Veterans Affairs
Tuesday, June 11, 2019, 3:00 PM
1228/1327 Legislative Building**

AGENDA

Welcome and Opening Remarks

Introduction of Sergeant of Arms

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 954	Qualified Disabled Veteran/10% Preference.	Representative Jarvis Representative Horn Representative Potts

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

1

HOUSE BILL 954

Short Title: Qualified Disabled Veteran/10% Preference. (Public)

Sponsors: Representatives Jarvis, Horn, and Potts (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations, General Government, if favorable, Rules, Calendar, and Operations of the House

April 26, 2019

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT QUALIFIED DISABLED VETERAN BUSINESSES SHALL BE GIVEN A TEN PERCENT PREFERENCE WHEN BIDDING ON STATE CONSTRUCTION OR REPAIR CONTRACTS AND APPROPRIATING FUNDS TO IMPLEMENT THE PREFERENCE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 143 of the General Statutes is amended by adding a new section to read as follows:

"§ 143-128.5. Preference for qualified disabled veteran businesses.

(a) Definitions. – For purposes of this section, the following definitions apply:

(1) Qualified disabled veteran. – A veteran with a service-connected disability.

(2) Qualified disabled veteran business. – A business that is fifty-one percent (51%) or more owned by one or more qualified disabled veterans.

(3) Service-connected disability. – A disability incurred or aggravated in the line of duty in active military, naval, or air service.

(4) Veteran. – As defined in G.S. 128-15(b)(2).

(b) Policy; Preference Stated. – It is the policy of this State to encourage and promote the use of qualified disabled veteran owned businesses in State construction or repair contracts requiring an expenditure of public money. All State agencies, departments, and institutions shall cooperate with the Department of Administration in implementing this policy by giving a ten percent (10%) preference, as provided in subsection (c) of this section, to qualified disabled veteran businesses.

(c) Preference Implementation. – The ten percent (10%) preference authorized in subsection (b) of this section shall be given to each qualified disabled veteran business bidding on a contract to be let by the governing body of a State agency, department, or institution. The preference shall be calculated by deducting ten percent (10%) of the lowest responsible, responsive bid of all bids submitted from the bid of each qualified disabled veteran business. If, with the preference, the bid of a qualified disabled veteran business is the lowest responsible, responsive bid, the contract shall be awarded to that qualified disabled veteran business. If, with the preference, the bid of a qualified disabled veteran business is not the lowest responsible, responsive bid, the contract shall be awarded to the lowest responsible, responsive bid. For purposes of determining eligibility for the preference, each qualified disabled veteran business shall include in its sealed bid all of the following:



* H 9 5 4 - V - 1 *

- 1 (1) Proof of service and conditions of discharge in the form of a DD Form 214
2 and Department of Veterans Affairs claim decision letter.
3 (2) Proof of a service-connected disability in the form of a DD Form 214, if the
4 disability was documented at the time of discharge, or a Department of
5 Veterans Affairs rating decision letter, if the disability was documented after
6 discharge.
7 (3) Proof of legal ownership of the business, and proof that the business has its
8 principal place of business in this State.
9 (d) Loss of Preference. – If, during the term of the contract, a business awarded a
10 preference under this section no longer meets the definition of a qualified disabled veteran
11 business, as defined in subdivision (2) of subsection (a) of this section, the contract price shall
12 be discounted by the amount of the preference granted.
13 (e) Bidder Notification. – When the Secretary or the governing body of a State agency,
14 department, or institution puts a contract up for competitive bidding, they shall endeavor to
15 provide notice to all qualified disabled veteran business bidders who have expressed an interest
16 in bidding on contracts of that nature. Notice under this section may be given by electronic means
17 only."

18 **SECTION 2.** There is appropriated from the General Fund to the Department of
19 Administration, Purchase and Contract Division, the sum of twenty-five thousand dollars
20 (\$25,000) in nonrecurring funds for the 2019-2020 fiscal year to implement the provisions of this
21 act.

22 **SECTION 3.** This act becomes effective October 1, 2019, and applies to construction
23 or repair contracts submitted on or after that date.

Qualified Disabled Veteran/10% Preference.
2019-2020 Session

VIEW BILL DIGEST	
VIEW AVAILABLE BILL SUMMARIES	
EDITION	FISCAL NOTE
Filed	
Edition 1	

Last Action:	Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations, General Government, if favorable, Rules, Calendar, and Operations of the House on 4/26/2019
Sponsors:	Jarvis; Horn; Potts (Primary) Davis; Goodwin; Graham; Grange; Hanig; Harrison; Majeed; Russell; Sasser; Strickland; Wray; Zachary
Attributes:	Public; Contains Appropriations; Contains Local Appropriations
Counties:	No counties specifically cited
Statutes:	143-128.5 (Sections)
Keywords:	ADMINISTRATION DEPT., APPROPRIATIONS, ARMED FORCES, BUDGETING, COMMERCE, CONTRACTS, CORPORATIONS, FOR-PROFIT, DISABLED PERSONS, PERSONNEL, PUBLIC, PURCHASING, SMALL BUSINESSES, VETERANS

HISTORY				
DATE	CHAMBER	ACTION	DOCUMENTS	VOTES
4/26/2019	House	Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations, General Government, if favorable, Rules, Calendar, and Operations of the House		
4/26/2019	House	Passed 1st Reading		
4/25/2019	House	Filed	DRAFT: DRH10569-LMa-105	

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

D

HOUSE BILL 954
PROPOSED COMMITTEE SUBSTITUTE H954-CSTT-34 [v.21]

06/10/2019 05:21:30 PM

Short Title: Qualified Disabled Veteran Preference.

(Public)

Sponsors:

Referred to:

April 26, 2019

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING A PREFERENCE FOR CERTAIN QUALIFIED DISABLED
3 VETERAN BUSINESSES BIDDING ON STATE CONSTRUCTION OR REPAIR
4 CONTRACTS, AND APPROPRIATING FUNDS TO IMPLEMENT THE PREFERENCE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 8 of Chapter 143 of the General Statutes is amended by adding
7 a new section to read as follows:

8 **"§ 143-128.5. Preference for qualified disabled veteran businesses.**

9 (a) Definitions. – For purposes of this section, the following definitions apply:

10 (1) Qualified disabled veteran. – A veteran with a disability rating of sixty percent
11 (60%) or higher, for a service-connected disability.

12 (2) Qualified disabled veteran-owned business. – A business that is one hundred
13 percent (100%) owned by one or more qualified disabled veterans; provided,
14 however, a spouse of a qualified disabled veteran business owner may have
15 an ownership interest in that business, as long as the ownership interest of the
16 qualified disabled veterans is no less than fifty percent (50%).

17 (3) Service-connected disability. – A disability incurred in the line of duty in
18 active military, naval, or air service.

19 (4) Veteran. – As defined in G.S. 128-15(b)(2).

20 (b) Statement of Preference. – It is the policy of this State to encourage and promote the
21 use of qualified disabled veteran-owned businesses in State construction or repair contracts
22 requiring an expenditure of public money, while maintaining the lowest cost to the State. All
23 State agencies, departments, and institutions shall cooperate with the Department of
24 Administration in implementing this policy by giving a preference, as provided in subsection (c)
25 of this section, to qualified disabled veteran-owned businesses.

26 (c) Preference Implementation. – A qualified disabled veteran-owned business that
27 submits a bid for a State construction or repair contract that is within ten percent (10%) of the
28 lowest responsible, responsive bid, shall be afforded the opportunity to match the lowest
29 responsible, responsive bid unless the lowest responsible, responsive bid was made by a qualified
30 disabled veteran-owned business. If the qualified disabled veteran-owned business agrees to
31 match the lowest responsible, responsive bid, the contract shall be awarded to that qualified
32 disabled veteran-owned business, notwithstanding G.S. 143-129 or G.S. 143-131. If there is
33 more than one qualified disabled veteran-owned business eligible for the preference, the qualified
34 disabled veteran-owned business that submitted the lowest responsible, responsive bid, shall be
35 awarded the contract. Provided, however, that in giving such preference no sacrifice or loss in
36 price or quality shall be permitted.



1 (d) Eligibility Determination. – In order to be considered for the preference, the qualified
2 disabled veteran-owned business must be a responsible, responsive bidder. Additionally, each
3 qualified disabled veteran-owned business shall include in its bid all of the following:

4 (1) Proof of service and conditions of discharge in the form of a DD Form 214
5 and Department of Veterans Affairs claim decision letter.

6 (2) Proof of a service-connected disability in the form of a DD Form 214, if the
7 disability was documented at the time of discharge, or a Department of
8 Veterans Affairs rating decision letter, if the disability was documented after
9 discharge.

10 (3) Proof of legal ownership of the business, and proof that the business is
11 properly registered with the North Carolina Secretary of State's Office.

12 (e) Missing Documentation. – A bid that fails to include the documentation required
13 under subsection (d) of this section, may be eligible for consideration for the contract but will
14 not be eligible for the preference authorized under this section.

15 (f) Loss of Preference Qualification. – If a qualified disabled veteran-owned business
16 awarded a contract under this section fails to maintain the status of a qualified disabled
17 veteran-owned business, the contract shall continue to be performed however that business will
18 not be eligible to apply for the preference in the future."

19 **SECTION 2.** There is appropriated from the General Fund to the Department of
20 Administration, State Construction Office, the sum of ten thousand dollars (\$10,000) in
21 nonrecurring funds for the 2019-2020 fiscal year to implement the provisions of this act.

22 **SECTION 3.** This act becomes effective October 1, 2019, and applies to State
23 construction or repair contract bids submitted on or after that date.



HOUSE BILL 954: Qualified Disabled Veteran Preference.

2019-2020 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs. If favorable, re-refer to Appropriations, General Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 11, 2019
Introduced by:	Reps. Jarvis, Horn, Potts	Prepared by:	Jennifer Bedford
Analysis of:	PCS to First Edition H954-CSTT-34		Billy Godwin Committee Counsel

OVERVIEW: *The PCS for House Bill 954 would create a preference by requiring that a qualified disabled veteran-owned business that bids within 10% of the lowest bid received, be given an opportunity to match that bid for a State construction or repair contract.*

CURRENT LAW: Article 8 of Chapter 143 of the General Statutes sets out the general law for awarding contracts for State construction or repair work. Depending on the amount of public money expended, State construction or repair contracts are subject to formal competitive bidding, informal competitive bidding or no competitive bidding. Competitively bid contracts are awarded to the lowest responsible, responsive bidder.

Formal competitive bidding requirements apply to contracts for State construction or repair work requiring the estimated expenditure of public money in an amount equal to or more \$500,000. Formal competitive bid procedure requires bid proposals to be solicited by newspaper advertisement, under seal, accompanied by a bid deposit, publically opened, and a minimum of three bids. Informal competitive bidding requirements apply to State construction or repair work requiring an expenditure of public money in an amount equal to or more than \$90,000 but less than \$500,000. Informal competitive bids are not required to be solicited through newspaper advertisements nor must they be sealed, accompanied by a deposit, publically opened or subject to a three-bid minimum. Contracts for State construction or repair work requiring the expenditure of public money of less than \$30,000 are not subject to competitive bidding.

State law does not provide for the use of preferences in any construction or repair contracts. It does however, establish a ten percent (10%) participation goal for use of historically underutilized businesses (HUB) in State building projects costing \$300,000 or more. A HUB is defined as a business owned at least 51% by a Black, Hispanic, Asian American, American Indian, female, one disabled or disadvantaged. A HUB business must still be the lowest responsible, responsive bidder to be awarded a contract.

BILL ANALYSIS:

Section 1 of the PCS for House Bill 954 would create a preference by requiring that a qualified disabled veteran-owned business that bid within 10% of the lowest responsible, responsive bid received on a State construction or repair contract, be given the opportunity to match that bid.

A veteran-owned business is eligible for the preference if:

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

House PCS 954

Page 2

- The business is owned by one or more qualified disabled veterans, allowing for a spouse's interest of no greater than 50%.
- The veteran-owned business owner has at least a 60% disability rating for a disability incurred in the line of military service.
- The veteran-owned business is a responsible, responsive bidder.
- The veteran-owned business provided a bid within 10% of the lowest bid responsible, responsive received.
- The lowest responsible, responsive bid was not provided by another qualified disabled veteran-owned business.
- The veteran-owned business includes specified supporting documents with the bid.

Section 1 of the PCS for House Bill 954 would also:

- Define terms.
- State the intent to promote the use of qualified disabled veteran-owned businesses without the loss of quality or the increase of expense.
- Clarify that failure to maintain the required qualification would result in ineligibility for future preference consideration.

Section 2 of the PCS for House Bill 954 would provide a \$10,000 appropriation to the State Construction Office to implement the preference.

EFFECTIVE DATE: This act would become effective October 1, 2019, and apply to State construction or repair contract bids submitted on or after that date.

**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS COMMITTEE REPORT

Representative George G. Cleveland, Co-Chair

Representative Michael Speciale, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 954

Qualified Disabled Veteran/10% Preference.

Draft Number: H954-PCS10658-TT-34

Serial Referral: **APPROPRIATIONS, GENERAL
GOVERNMENT**

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: Jarvis

TOTAL REPORTED: 1



* C M R 5 4 6 - V - 1 *

Committee Sergeants at Arms

NAME OF COMMITTEE H C on Homeland Security, Military, and Veterans Affairs

DATE: 6/11/2019

Room: 1228/1327

House Sgt-At Arms:

1. Name: Rex Foster

2. Name: Ken Gilbert

3. Name: Russell Salisbury

4. Name: David Leighton

5. Name: _____

Senate Sgt-At Arms:

1. Name: _____

2. Name: _____

3. Name: _____

4. Name: _____

5. Name: _____

**House Pages
Assignments
Tuesday, June 11, 2019
Session: 10:00 AM**

Committee	Room	Time	Staff	Comments	Member
Banking	422	3:00 PM	Micah Hill		Rep. Donna McDowell White
			Charles Hoffman		Rep. Marcia Morey
			Robert Mangum		Speaker Tim Moore
			Hayden Peacock		Rep. Jeffrey Elmore
Homeland Security, Military, and Veterans Affairs	1228/1327	3:00 PM	Samuel Capps		Rep. David R. Lewis
			Everson Moran		Rep. William D. Brisson
			Samuel Quick		Rep. Pricey Harrison
			Carson Tart		Speaker Tim Moore

VISITOR REGISTRATION SHEET

HC on Homeland Security, Military, and Veterans Affairs 6/11/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Charlie Smith	The American Legion Dept of N.C.
Jenna Rupp	Page Program
Reese Layh	Page
Lara Wood	House Page
Graham Costner	Past
Alyssa Quinlan	DOA
X Hall	DIA
Betsy Bailey	CAGC

VISITOR REGISTRATION SHEET

HC on Homeland Security, Military, and Veterans Affairs 6/11/2019

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Grace Ivin	WW
Risha Fortson	SEAW
Flint Benson	SEAW
Suzanne Brasley	SEAW
LEO CYRIL	ONE SPIRE
Paul Sherman	NCFB
Cameron Holly	MLA
Claudio Smerak	governors office
Nya Anthony	NC DMVA
David Crawford	AIA NC
JERRY SCHILL	NC Fisheries Assn.

Cancelled Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2019-2020 SESSION

You are hereby notified that the **House Committee on Homeland Security, Military, and Veterans Affairs** will **NOT** meet as follows:

DAY & DATE: Tuesday, July 9, 2019

TIME: 3:00 PM

LOCATION: 1228/1327 LB

The following bills will be considered:

BILL NO.	SHORT TITLE
<u>SB 409</u>	Study NC Veterans Registry.

SPONSOR
Senator D. Davis
Senator Sanderson
Senator Burgin

Respectfully,

Representative George G. Cleveland, Co-Chair
Representative Michael Speciale, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:39 AM on Tuesday, August 13, 2019.

____ Principal Clerk
____ Reading Clerk – House Chamber

Pamela Ahlin (Committee Assistant)



**House Committee on Homeland Security, Military, and Veterans Affairs
Wednesday, July 10, 2019 at 8:30 AM
Room 1228/1327 of the Legislative Building**

MINUTES

The House Committee on Homeland Security, Military, and Veterans Affairs met at 8:30 AM on July 10, 2019 in Room 1228/1327 of the Legislative Building. Representatives Arp, Carter, Cleveland, Grange, Harris, Horn, Logan, Majeed, Potts, and Speciale attended. Senators Burgin, and D. Davis were present. Committee staff were Bedford and Godwin. Listings of the Sergeants at Arms, Pages, and Visitors are attached to this record.

Representative George G. Cleveland, Chair, presided.

Following a delay to have a quorum of members, Rep. Cleveland called the meeting to order at 8:40 AM.

The following bill was considered:

SB 409 Study NC Veterans Registry. (Senators D. Davis, Sanderson, Burgin)


Rep. Cleveland recognized Sen. D. Davis to present his bill (Attachment # 1). There were no questions from the committee or the attendees following the explanation of the bill.

Rep. Horn moved that SB 409 receive a favorable report and be referred to the Rules committee.

Rep. Grange seconded the motion. Rep. Cleveland called for a vote, and the motion carried in a voice vote.

The meeting adjourned at 8:43 AM.


Representative George G. Cleveland, Chair
Presiding


Pamela Ahlin, Committee Clerk

Updated #1: Time change to 8:30 AM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION**

You are hereby notified that the **House Committee on Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, July 10, 2019

TIME: 8:30 AM

LOCATION: 1228/1327 LB

The following bills will be considered:

BILL NO. SHORT TITLE

SB 409 Study NC Veterans Registry.

SPONSOR

Senator D. Davis
Senator Sanderson
Senator Burgin

Respectfully,

Representative George G. Cleveland, Co-Chair
Representative Michael Speciale, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:51 PM on Tuesday, July 09, 2019.

____ Principal Clerk
____ Reading Clerk – House Chamber

Pamela Ahlin (Committee Assistant)



**House Committee on Homeland Security, Military, and Veterans Affairs
Wednesday, July 10, 2019 at 8:30 AM
1228/1327 Legislative Building**

AGENDA

Representative George G. Cleveland, Presiding Chair

Welcome and Opening Remarks

Introduction of Pages

Bills:

BILL NO.	SHORT TITLE	SPONSOR
SB 409	Study NC Veterans Registry.	Senator D. Davis Senator Sanderson Senator Burgin

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

3

SENATE BILL 409
State and Local Government Committee Substitute Adopted 4/9/19
Third Edition Engrossed 4/17/19

Short Title: Study NC Veterans Registry.

(Public)

Sponsors:

Referred to:

April 1, 2019

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF INFORMATION TECHNOLOGY TO
STUDY THE ISSUE OF CREATING A NORTH CAROLINA VETERANS REGISTRY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Department of Information Technology shall study the issue of creating a North Carolina veterans registry. In conducting the study, the Department of Information Technology may consult with the Department of Military and Veterans Affairs and the Program Evaluation Division of the General Assembly. The purpose of the registry would be to give veterans and their families improved access to information regarding valuable State benefits, programs, and services for veterans and their families. Upon registering, a veteran or a family member of a veteran would receive access to information about available benefits, programs, and services. A registrant would also have the option of leaving the registry.

SECTION 1.(b) The Department of Information Technology shall specifically study the following issues:

- (1) The information technology needed to create and maintain a veterans registry.
- (2) The best ways to summarize and present information about all the State benefits, programs, and services for veterans and their families.
- (3) The best ways to communicate this information to registrants.
- (4) The best ways to give notice to veterans and their families about the creation of a veterans registry and how to register.
- (5) The best ways to allow veterans and their families to opt in or opt out of the registry.
- (6) The best ways to maintain the security of the registrants' personal information.

SECTION 1.(c) The Department of Information Technology shall report its findings and recommendations to the Joint Legislative Oversight Committee on General Government by February 1, 2020.

SECTION 2. This act is effective when it becomes law.





SENATE BILL 409: Study NC Veterans Registry.

2019-2020 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	July 9, 2019
Introduced by:	Sens. D. Davis, Sanderson, Burgin	Prepared by:	Jennifer H. Bedford*
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *Senate Bill 409 would direct the Department of Information Technology to study the issues of creating, maintaining, and promoting an online registry of services and benefits for North Carolina veterans.*

BILL ANALYSIS: Senate Bill 409 would direct the Department of Information Technology (DIT) to study the issue of creating, maintaining, and promoting a North Carolina veterans registry, in consultation with the Department of Military and Veterans Affairs and the General Assembly's Program Evaluation Division.

The registry would be a centralized online resource to improve access to State benefits, programs and services for veterans and their families. A veteran or a family member of a veteran would need to enroll in order to access the registry and once enrolled, would have the option of withdrawing.

The DIT would be required to report its findings and recommendations to the Joint Legislative Oversight Committee on General Government by February 1, 2020.

EFFECTIVE DATE: This act would be effective when it becomes law.

**Bill Patterson, Staff Attorney, substantially contributed to this summary.*

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS COMMITTEE REPORT

Representative George G. Cleveland, Co-Chair

Representative Michael Speciale, Co-Chair

FAVORABLE AND RE-REFERRED

SB 409 (CS#1)

Study NC Veterans Registry.

Draft Number: None

**Serial Referral: RULES, CALENDAR, AND
OPERATIONS OF THE HOUSE**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Humphrey

TOTAL REPORTED: 1



* C M R 7 2 1 - V - 1 *

Committee Sergeants at Arms

NAME OF COMMITTEE HC on Homeland Security, Military, and Veterans Affairs

DATE: 7/10/2019 Room: 1227/1328

House Sgt-At Arms:

1. Name: Rex Foster
2. Name: Russell Salisbury
3. Name: Warren Hawkins
4. Name: David Leighton
5. Name: _____

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

**House Pages
Assignments
Wednesday, July 10, 2019
Session: 2:00 PM**

Committee	Room	Time	Staff	Comments	Member
Homeland Security, Military, and Veterans Affairs	1228/1327	8:30 AM	Ryan Compton		Rep. Donna McDowell White
			Bryan Daniels		Rep. Allison A. Dahle
			Benjamin Martin		Rep. Larry C. Strickland
			Zebulon Penland		Rep. John Ager
			John Rouse		Rep. John R. Bell, IV

VISITOR REGISTRATION SHEET

HC on Homeland Security, Military, and Veterans Affairs

Name of Committee

7/10/2019

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

James Blalock

01

John Cornellus

DIT



**HOUSE COMMITTEE
ON HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS**

**REP. GEORGE G. CLEVELAND, Chair
REP. MICHAEL SPECIALE, Chair**

**2020 Short Session
Book 1**

**Pamela Ahlin, Committee Assistant
Hazel Speciale, Committee Assistant**

ATTENDANCE

House Homeland Security, Military and Veteran Affairs

(Name of Committee)

DATES	6/2/2020	6/16/2020																
Rep. George Cleveland, Chairman	X	X																
Rep. Michael Speciale, Chairman	X	X																
Rep. Holly Grange, Vice-Chairman		X																
Rep. Dean Arp	X																	
Rep. John Autry																		
Rep. James Boles																		
Rep. Jerry Carter	X	X																
Rep. Wesley Harris	X	X																
Rep. D. Craig Horn	X	X																
Rep. Jake Johnson	X	X																
Rep. Carolyn Logan	X	X																
Rep. Nasif Majeed	X	X																
Rep. Grier Martin	X																	
Rep. Graig Meyer	X	X																
Rep. Garland Pierce		X																
Rep. Larry Potts	X																	
Rep. David Rogers	X	X																
Rep. Phil Shepard																		
Rep. Raymond Smith	X																	
Rep. Julie von Haefen	X																	
Rep. Sarah Stevens																		
Rep. David Lewis																		
Rep. John Bell																		
Rep. Brenden Jones																		

HOMELAND SECURITY, MILITARY AND VETERANS AFFAIRS

2019-2020 SESSION

MEMBER		ASSISTANT	PHONE	OFFICE	SEAT
CLEVELAND, George	Chairman	Pamela Ahlin	715-6707	417A	8
SPECIALE, Michael	Chairman	Hazel Speciale	733-5853	1106	42
GRANGE, Holly	Vice Chair	Laura Holt-Kabel	733-5830	526	64
ARP, Dean		Katie Stanley	715-3007	307A	54
AUTRY, John		Tina Riley-Humphrey	715-0706	1019	115
BOLES, James		Dina Long	733-5903	528	4
CARTER, Jerry		Theresa Lopez	733-5779	418B	110
HARRIS, Wesley		Suzanne Weiss	733-5995	1321	92
HORN, D. Craig		Erin Wilson	733-2406	305	13
JOHNSON, Jake		Megan Kluttz	715-4466	602	101
LOGAN, Carolyn		Robert Lockard, III	715-2530	603	83
MAJEED, Nasif		Beverlee Baker	733-5606	1008	103
MARTIN, Grier		Christopher Hailey	733-5773	1023	72
MEYER, Graig		Daphne Quinn	715-3019	1017	57
PIERCE, Garland		Janice Fenner	733-5803	1204	22
POTTS, Larry		Carolina Craig	715-0873	306B1	77
ROGERS, David		Misty Rogers	733-5749	418C	74
SHEPARD, Phil		Pamela Pate	715-9644	534	29
SMITH, Raymond		Susan Thompson	733-5863	2223	91
VON HAEFEN, Julie		Hudson McCormick	715-0795	1311	93

EX-OFFICIO MEMBERS

STEVENS, Sarah		Brown, Lisa	715-1883	419	7
LEWIS, David		Rogers, Grace	715-3015	2301	6
BELL, John		Horne, Susan	715-3017	301F	5
JONES, Brenden		Bailey, Andrew	733-5821	1227	88

COMMITTEE STAFF

Jennifer Bedford, Staff Attorney			733-2578	200	
Billy Godwin, Staff Attorney			733-2578	200	
Cory Bryson, Policy Advisor			715-3001	1305	

COMMITTEE CLERKS

Pamela Ahlin			715-6707	417A	
Hazel Speciale			733-5853	1106	

05/27/2020

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

House Standing Committee

Chairs



Rep. Cleveland



Rep. Speciale

Vice Chair

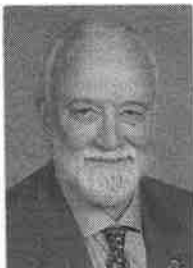


Rep. Grange

Members



Rep. Arp



Rep. Autry



Rep. Boles



Rep. Carter



Rep. Harris



Rep. Horn



Rep. J. Johnson



Rep. Logan



Rep. Majeed



Rep. Martin



Rep. Meyer



Rep. Pierce



Rep. Potts



Rep. Rogers



Rep. Shepard



Rep. R. Smith



Rep. von Haefen

Pursuant to House Rules 26(e) and 26(f), the Chair of the Committee on Rules, Calendar and Operations of the House, the Speaker Pro Tempore, the Majority Leader, and the Deputy Majority Leader are ex officio members of each standing committee and permanent subcommittee with the right to vote. The previous sentence does not apply to the Standing Committee on Ethics. For the purposes of determining a quorum, when serving only as ex officio members, these members shall be counted among the membership of the committee or subcommittee only when present.

House Committee on Homeland Security, Military, and Veterans Affairs
Tuesday, June 2, 2020 at 1:00 PM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Homeland Security, Military, and Veterans Affairs met at 1:00 PM on June 2, 2020 in Room 1228/1327 of the Legislative Building. Representatives Autry, Carter, Cleveland, Harris, Horn, J. Johnson, Logan, Majeed, Martin, Meyer, Potts, Rogers, R. Smith, Speciale, and von Haefen attended.

Representative Michael Speciale, Chair, presided.

Introduction of Sergeant-at-Arms and House pages.

The following bills were considered:

HB 1047 Educ. Changes for Military-Connected Students. (Representatives Cleveland, Bell, Martin)

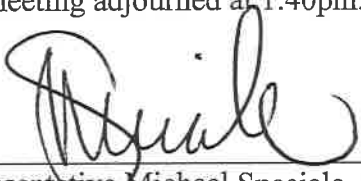
Rep. Speciale stated that House Bill 1047 has a Proposed Committee Substitute and are there any objections to the PCS before us. There were no objections and Rep. Horn motioned for a favorable to the PCS, unfavorable to the original bill.

Rep. Cleveland explained the bill and questions were answered.

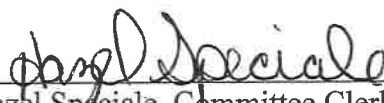
Dan Beasley, of Home School Legal Defense Association and Spencer Mason of North Carolina for Home Education spoke in opposition to the bill. Jeri Graham of Military Officers Association of America spoke in favor of the bill.

Rep. Speciale called for roll call vote and the motion failed.

The meeting adjourned at 1:40pm.



Representative Michael Speciale, Chair
Presiding



Hazel Speciale, Committee Clerk

Hazel Speciale (Rep. Michael Speciale)

From: Hazel Speciale (Rep. Michael Speciale)
Sent: Monday, June 01, 2020 02:26 PM
To: Rep. George Cleveland; Rep. Grier Martin; Rep. John Bell
Cc: Pamela Ahlin (Rep. George Cleveland); Christopher Hailey (Rep. Grier Martin); Susan West Horne (Rep. John Bell)
Subject: <NCGA> House Homeland Security, Military, and Veterans Affairs Committee Meeting Notice for Tuesday, June 02, 2020 at 1:00 PM - UPDATED #2
Attachments: Add Meeting to Calendar_LINC_.ics

Updated #2: Members can attend remotely.

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2019-2020 SESSION

You are hereby notified that the **House Committee on Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Tuesday, June 2, 2020
TIME: 1:00 PM
LOCATION: 1228/1327 LB
COMMENTS: Rep. Speciale will chair.

In accordance with the latest guidance from the Center for Disease Control and the North Carolina Department of Health and Human Services, and the building rules of the North Carolina General Assembly, the Homeland Security, Military, and Veterans Affairs Committee members will have the option to attend remotely to minimize the gathering of members and staff.

Members of the public are requested to comply with the guidance from the North Carolina Department of Health and Human Services and the Centers for Disease Control by complying with social distancing guidelines and seating for 50 percent of room capacity or listening to a live stream audio via the NCGA committee website at <https://www.ncleg.gov/Audio/1228>.

The video/audio stream can be accessed on the NCGA webpage here: <https://www.ncleg.gov> or can be found on the front page of the NCGA website in the Legislative Calendar section.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
----------	-------------	---------

Respectfully,

Representative George G. Cleveland, Co-Chair
Representative Michael Speciale, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:25 PM on Monday,
June 01, 2020.

____ Principal Clerk
____ Reading Clerk – House Chamber

Hazel Speciale (Committee Assistant)

Hazel Speciale (Rep. Michael Speciale)

From: Hazel Speciale (Rep. Michael Speciale)
Sent: Monday, June 01, 2020 03:26 PM
To: Rep. George Cleveland; Rep. Michael Speciale; Rep. Holly Grange; Rep. Dean Arp; Rep. John Autry; Rep. Jamie Boles, Jr; Rep. Jerry Carter; Rep. Wesley Harris; Rep. Craig Horn; Rep. Jake H. Johnson; Rep. Carolyn G. Logan; Rep. Nasif Majeed; Rep. Grier Martin; Rep. Graig Meyer; Rep. Garland Pierce; Rep. Larry Potts; Rep. David Rogers; Rep. Phil Shepard; Rep. Raymond E. Smith, Jr.; Rep. Julie von Haefen
Cc: Rep. Sarah Stevens; Rep. John Bell; Rep. David Lewis; Rep. Brenden Jones
Subject: WebEx link for Tuesday, June 2, 2020 @ 1pm Homeland Security, Military & Veteran Affairs Committee meeting

Members,

Your upcoming virtual committee meeting **Homeland Security, Military & Veteran Affairs** can be accessed from the following link:

<https://ncga1.webex.com/meet/LB1228>

A few notes:

- Your virtual meeting should be available at least 10 minutes prior to your scheduled meeting time to address any technical problems; however, please be aware that other committees may be scheduled in the same room (and same virtual meeting room) prior to your meeting and could potentially impact the start time.
- It is **very important** that this link not be shared. Anyone with the link can access your meeting and there is a limit of the number of participants.
- Non-committee members, staff, and members of the public should plan to listen to the meeting through the audio stream link available on <https://www.ncleg.gov/audio> or watch the meeting live stream at <https://www.ncleg.gov/video>
- Once the meeting is called to order, the meeting will be locked to prevent additional participants from joining automatically. This is for the security of your meeting. Once the meeting is locked, late joining participants will be entered in to a "lobby" until approved to join by the meeting host.
- More information about virtual committee meetings, installing the application, and other ways to work remote with NCGA resources is available at <https://remote.ncleg.gov>

If you have any technical difficulties while trying to access your meeting or during the meeting itself, please contact ISD Support by one of the following methods:

- Email: ISDSupport@ncleg.gov
- Web: <https://isdsupport.ncleg.gov>
- Phone: (919) 715-7825



Hazel Speciale
Legislative Assistant
Representative Michael Speciale

House Committee on Homeland Security, Military, and Veterans Affairs
Tuesday, June 2, 2020, 1:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks Representative Speciale

Introduction of Pages

Introduction of Sergeants of Arms

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 1047	Educ. Changes for Military-Connected Students.	Representative Cleveland Representative Bell Representative Martin

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

1

HOUSE BILL 1047

Short Title: Educ. Changes for Military-Connected Students. (Public)

Sponsors: Representatives Cleveland, Bell, and Martin (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Rules, Calendar,
and Operations of the House

April 29, 2020

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE STUDENT ATTENDANCE IN A LOCAL SCHOOL
3 ADMINISTRATIVE UNIT FOR CHILDREN OF ACTIVE DUTY MILITARY DUE TO
4 THE MILITARY ORDERS OF THE PARENT, TO REQUIRE IDENTIFICATION OF
5 MILITARY-CONNECTED STUDENTS IN NONPUBLIC SCHOOLS, AND TO
6 CLARIFY CONTINUOUS ENROLLMENT FOR HIGH SCHOOL STUDENTS WHO
7 ARE DEPENDENTS OF MILITARY PERSONNEL ONCE THOSE STUDENTS ARE
8 ADMITTED TO A STATE INSTITUTION OF HIGHER EDUCATION, AS
9 RECOMMENDED BY THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION.

10 The General Assembly of North Carolina enacts:

11
12 **PART I. AUTHORIZE STUDENT ATTENDANCE IN A LOCAL SCHOOL**
13 **ADMINISTRATIVE UNIT FOR CHILDREN OF ACTIVE DUTY MILITARY DUE TO**
14 **THE MILITARY ORDERS OF THE PARENT**

15 **SECTION 1.(a)** G.S. 115C-366(a3) reads as rewritten:

16 "(a3) A student who is not a domiciliary of a local school administrative unit may attend,
17 without the payment of tuition, the public schools of that unit if all of the following apply:

- 18 (1) The student resides with an adult, who is a domiciliary of that unit, as a result
19 of any one of the following:
- 20 a. The death, serious illness, or incarceration of a parent or legal
21 guardian.
 - 22 b. The abandonment by a parent or legal guardian of the complete control
23 of the student as evidenced by the failure to provide substantial
24 financial support and parental guidance.
 - 25 c. Abuse or neglect by the parent or legal guardian.
 - 26 d. The physical or mental condition of the parent or legal guardian is such
27 that he or she cannot provide adequate care and supervision of the
28 student.
 - 29 e. The relinquishment of physical custody and control of the student by
30 the student's parent or legal guardian upon the recommendation of the
31 department of social services or the Division of Mental Health.
 - 32 f. The loss or uninhabitability of the student's home as the result of a
33 natural disaster.
 - 34 g. The parent or legal guardian is one of the following:



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1. ~~On active military duty and is deployed out of the local school administrative unit in which the student resides. For purposes of this sub-sub-subdivision, the term "active duty" does not include periods of active duty for training for less than 30 days.~~
2. A member or veteran of the uniformed services who is severely injured and medically discharged or retired, but only for a period of one year after the medical discharge or retirement of the parent or guardian.
3. A member of the uniformed services who dies on active duty or as a result of injuries sustained on active duty, but only for a period of one year after death. For purposes of this sub-sub-subdivision, the term "active duty" is as defined in G.S. 115C-407.5

Assignment under this sub-subdivision is only available if some evidence of the deployment, medical discharge, retirement, or death is tendered with the affidavits required under subdivision (3) of this subsection.

h. The parent or legal guardian is on active military duty, and the commanding officer of the parent or legal guardian provides in a signed letter that the parent or legal guardian's military orders prevent the parent or legal guardian from physically residing with the student. Assignment under this sub-subdivision is only available if the signed letter from the commanding officer of the parent or legal guardian is included with the affidavits required under subdivision (3) of this subsection, and the commanding officer indicates the time period that such military orders will be in effect. For purposes of this sub-subdivision, the term "active military duty" does not include periods of active duty for training for less than 30 days.

(2) The student is:

- a. Not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit, or
- b. Currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit and is identified as eligible for special education and related services under the Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq., (2004). Assignment under this sub-subdivision is available only if evidence of current eligibility is tendered with the affidavit required under subdivision (3) of this subsection.

(3) The caregiver adult and the student's parent, guardian, or legal custodian have each completed and signed separate affidavits that do all of the following:

- a. Confirm the qualifications set out in this subsection establishing the student's residency.
- b. Attest that the student's claim of residency in the unit is not primarily related to attendance at a particular school within the unit.
- c. Attest that the caregiver adult has been given and accepts responsibility for educational decisions for the student.

If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise unavailable to sign the affidavit, then the caregiver adult shall attest to that fact in the affidavit. If the student is a minor, the caregiver adult must make educational decisions concerning the

1 student and has the same legal authority and responsibility regarding the student as a parent or
2 legal custodian would have even if the parent, guardian, or legal custodian does not sign the
3 affidavit. The minor student's parent, legal guardian, or legal custodian retains liability for the
4 student's acts.

5 Upon receipt of both affidavits or an affidavit from the caregiver adult that includes an
6 attestation that the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise
7 unavailable to sign an affidavit, the local board shall admit and assign as soon as practicable the
8 student to an appropriate school, as determined under the local board's school assignment policy,
9 pending the results of any further procedures for verifying eligibility for attendance and
10 assignment within the local school administrative unit. No requirement of legal guardianship by
11 the caregiver adult shall be required by a local board for a student to qualify for enrollment under
12 this subsection.

13 If it is found that the information contained in either or both affidavits is false, then the local
14 board may, unless the student is otherwise eligible for school attendance under other laws or local
15 board policy, remove the student from school. If a student is removed from school, the board
16 shall provide an opportunity to appeal the removal under the appropriate policy of the local board
17 and shall notify any person who signed the affidavit of this opportunity. If it is found that a person
18 willfully and knowingly provided false information in the affidavit, the maker of the affidavit
19 shall be guilty of a Class 1 misdemeanor and shall pay to the local board an amount equal to the
20 cost of educating the student during the period of enrollment. Repayment shall not include State
21 funds.

22 Affidavits shall include, in large print, the penalty, including repayment of the cost of
23 educating the student, for providing false information in an affidavit."

24 **SECTION 1.(b)** G.S. 115C-366 is amended by adding a new subsection to read:

25 "(a10) A student who is not a domiciliary of a local school administrative unit shall be
26 permitted to register to enroll in the public schools of that unit if that student resides in that local
27 school administrative unit with a parent, legal guardian, or legal custodian on active military duty
28 who is assigned by official military order to a military installation or reservation in the State.
29 Nothing in this subsection shall be construed to curtail a local school administrative unit's
30 authority pursuant to G.S. 115C-366(a5)."

31 **SECTION 1.(c)** This section is effective when it becomes law and applies beginning
32 with the 2020-2021 school year.

33 34 **PART II. REQUIRE IDENTIFICATION OF MILITARY-CONNECTED STUDENTS IN** 35 **NONPUBLIC SCHOOLS**

36 **SECTION 2.(a)** Part 1 of Article 39 of Chapter 115C of the General Statutes is
37 amended by adding a new section to read:

38 **"§ 115C-550.1. Reporting of military-connected students.**

39 (a) A private church school or school of religious charter shall annually report to the
40 Division of Nonpublic Education, Department of Administration, in a manner established by the
41 Division, on enrolled military-connected students. For purposes of this section, a
42 "military-connected student" means a student enrolled in a private church school or school of
43 religious charter who has a parent, stepparent, sibling, or any other person who resides in the
44 same household serving in the active or reserve components of the Army, Navy, Air Force,
45 Marine Corps, Coast Guard, or National Guard.

46 (b) The identification of military-connected students is not a public record within the
47 meaning of G.S. 132-1 and shall not be made public by any person, except as follows:

48 (1) As permitted under the provisions of the Family Educational Rights and
49 Privacy Act of 1974, 20 U.S.C. § 1232g.

- (2) By the Division of Nonpublic Education to any school liaison in the State employed by the State, a local government, or the Armed Forces, as defined in G.S. 116-143.3."

SECTION 2.(b) Part 2 of Article 39 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-558.1. Reporting of military-connected students.

(a) A qualified nonpublic school shall annually report to the Division of Nonpublic Education, Department of Administration, in a manner established by the Division, on enrolled military-connected students. For purposes of this section, a "military-connected student" means a student enrolled in a qualified nonpublic school who has a parent, stepparent, sibling, or any other person who resides in the same household serving in the active or reserve components of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard.

(b) The identification of military-connected students is not a public record within the meaning of G.S. 132-1 and shall not be made public by any person, except as follows:

- (1) As permitted under the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g.

- (2) By the Division of Nonpublic Education to any school liaison in the State employed by the State, a local government, or the Armed Forces, as defined in G.S. 116-143.3."

SECTION 2.(c) G.S. 115C-564 reads as rewritten:

"§ 115C-564. Qualifications and requirements.

(a) A home school shall make the election to operate under the qualifications of either Part 1 or Part 2 of this Article and shall meet the requirements of the Part elected, except as follows:

- (1) ~~that any~~ Any requirement related to safety and sanitation inspections shall be waived if the school operates in a private ~~residence and residence.~~
- (2) ~~except that~~ The testing requirements in G.S. 115C-549 and G.S. 115C-557 shall be on an annual basis.
- (3) A home school shall annually report a notice of intent to operate to the Division of Nonpublic Education, and shall comply with the report on military-connected students required in G.S. 115C-550.1 and G.S. 115C-558 in the notice of intent to operate. Continued operation of a home school with no changes from a prior notice of intent shall be indicated through a simplified process established by the Division of Nonpublic Education.

(b) The persons providing academic instruction in a home school shall hold at least a high school diploma or its equivalent."

SECTION 2.(d) The Division of Nonpublic Education shall establish, no later than August 1, 2020, a simplified process for home schools to annually update the notice of intent to operate if no changes are required to the information submitted previously to the Division, as required by G.S. 115C-564(a)(3), as amended by this act.

SECTION 2.(e) This section is effective when it becomes law and applies to all nonpublic schools beginning with the 2020-2021 school year.

PART III. CLARIFY CONTINUOUS ENROLLMENT FOR HIGH SCHOOL STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL ONCE THOSE STUDENTS ARE ADMITTED TO A STATE INSTITUTION OF HIGHER EDUCATION

SECTION 3.(a) G.S. 116-143.3 reads as rewritten:

"§ 116-143.3. Tuition of Armed Forces personnel and their dependents.

(c) Any dependent relative of a member of the Armed Forces who is abiding in this State incident to active military duty, as defined by the Board of Governors of The University of North

Carolina and by the State Board of Community Colleges while sharing the abode of that member shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. In the event the member of the Armed Forces is reassigned outside of North Carolina or retires, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is reassigned or retires. In the event the member of the Armed Forces receives an Honorable Discharge from military service, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative establishes residency within North Carolina within 30 days after the discharge and is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is discharged.

(c1) A dependent relative who resides with a member of the Armed Forces who is reassigned outside of the State incident to active military duty shall remain eligible to be charged the in-State tuition rate if all of the following are met:

(1) At the time the dependent relative applies for admission to the institution of higher education, as defined in G.S. 116-143.1(a)(3), the dependent relative both:

a. Is enrolled in a North Carolina high school.

b. Meets the requirements of subsection (c) of this section.

(2) Upon admission, the dependent relative enrolls in the institution of higher education no later than the fall academic semester immediately following notice of admission and remains continuously enrolled.

...."

SECTION 3.(b) This section is effective when it becomes law and applies to students admitted for the fall academic semester of 2020 and thereafter.

PART IV. EFFECTIVE DATE

SECTION 4. Except as otherwise provided herein, this act is effective when it becomes law.



HOUSE BILL 1047: Educ. Changes for Military-Connected Students.

2019-2020 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 2, 2020
Introduced by:	Reps. Cleveland, Bell, Martin	Prepared by:	Kara McCraw
Analysis of:	PCS to First Edition H1047-CSTC-58		Staff Attorney

OVERVIEW: HB 1047 would make the following changes:

- *Part I would authorize students of active duty military who are not domiciled in the State to attend school in the State if the student is residing with an adult domiciled in the State due to the inability of the student to physically reside with the military parent due to the parent's military orders.*
- *Part II would require nonpublic schools to annually update information, including reporting on whether the home school includes military-connected students.*
- *Part III would allow high school students who are eligible for in-state tuition at the time of application due to their status as dependents of military personnel to retain that status upon enrollment, even if the parent has been reassigned to another state incident to active military duty.*

The PCS would clarify both the definition of military-connected student and the process for reporting information on military-connected students for home schools, and establishes a process for closure of home schools that do not update information for more than 2 years.

[As introduced, this bill was identical to S706, as introduced by Sen. Brown, which is currently in Senate Rules and Operations of the Senate.]

PART I: STUDENT ATTENDANCE IN LOCAL SCHOOL ADMINISTRATIVE UNITS

CURRENT LAW: G.S. 115C-366 establishes the requirements for assignment of students to local school administrative units (LEAs). Generally, a student must be domiciled in a local school administrative unit to attend its public schools free of tuition. A minor's domicile is the same as the minor's parent or legal guardian (parent). *Graham v. Mock*, 143 N.C. App. 315, 318 (2001). However, there are a number of exceptions. One of the exceptions is when that student resides with a caregiver adult who is domiciled in the LEA because the student's parent is on active military duty and is deployed outside of the LEA in which the student resides. Affidavits and evidence of the deployment must be provided to the local board of education.

BILL ANALYSIS: Sec. 1(a) would replace the current exception for enrollment of students whose parent is on active military duty with a new exception. This exception would authorize enrollment of a non-domiciled student living with a caregiver adult domiciled in the LEA if the following apply:

- The parent is on active military duty.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

House PCS 1047

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- The commanding officer of the parent provides a signed letter that the parent's military orders prevent the parent from physically residing with the student, and includes the time period the military orders will be in effect. Active military duty would not include period of active duty for training of less than 30 days.
- The signed letter is submitted with the required affidavits.

The section also clarifies that legal guardianship by the caregiver adult is not a requirement for enrollment.

Sec. 1(b) would clarify that a student is eligible to register to attend school in an LEA if the student resides in the LEA with a parent on active military duty assigned to a military installation or reservation in the State, even if the parent is not domiciled in the State.

EFFECTIVE DATE: Part I would become effective when it becomes law, and would apply beginning with the 2020-2021 school year.

PART II: IDENTIFICATION OF MILITARY-CONNECTED STUDENTS IN NONPUBLIC SCHOOLS

CURRENT LAW: G.S. 115C-12(1)f. requires the annual identification in local school administrative units of military-connected students. A military-connected student is defined as a student who has a parent, step-parent, or other person who resides in the same household serving in the armed forces.

Article 39 of Chapter 115C establishes the requirements for nonpublic schools in the State, including religious private schools, other private schools, and home schools.

BILL ANALYSIS: Section 2(a) would clarify the definition of military-connected student to include family members living in the household, rather than "other person."

Sections 2 (b) and (c) would require all private schools to annually report to the Division of Nonpublic Education, Department of Administration, (Division) on enrolled military-connected students, defined in the same manner as for public schools. The information would not be public record, but would be accessible to school liaisons employed by the State, local governments, or the Armed Forces.

Sections 2 (d) and (e) would require home schools to make the same annual report on military-connected students required for private schools. The initial report would be made in the notice of intent to open the home school, and an annual update to the original notice of intent would be required through the Division's website, including an option to indicate that no changes have occurred. The Division would be required to establish a simplified process for the annual updates, including the no change option, by August 1, 2020. The Division would also be required to contact existing home schools and notify them of the new requirement and the need for all home schools to report on military-connected students for the 2020-2021 school year.

EFFECTIVE DATE: Part II would become effective when it became law, and would apply to all nonpublic schools beginning with the 2020-2021 school year.

PART III: CLARIFY CONTINUOUS ENROLLMENT FOR MILITARY DEPENDENT HIGH SCHOOL STUDENTS ONCE ADMITTED

CURRENT LAW: G.S. 116-143.1 requires that an individual reside in the State for 12 months to qualify for in-state tuition at a constituent institution or community college of the State (institution of higher education). G.S. 116-143.4 provides an exception to this requirement for members of the Armed Forces abiding in the State incident to active military duty and their dependent relatives who reside with them,

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and grants them in-state tuition without meeting the 12 month residency requirement. The benefit is retained by the dependent even after the member is reassigned outside of the State or retires, as long as the dependent remains continuously enrolled in the degree or program.

BILL ANALYSIS: Section 3(a) would qualify a dependent relative of a member of the Armed Forces for in-state tuition after the member is reassigned outside of the State incident to active military duty if all of the following criteria are met:

- While the member of the Armed Forces is assigned in North Carolina, the dependent relative applies for admission to the institution of higher education while enrolled in a North Carolina high school.
- The member is reassigned outside of North Carolina before the student enrolls in the institution of higher education.
- Upon admission, the dependent relative enrolls no later than the fall semester following the notice of admission and remains continuously enrolled.

EFFECTIVE DATE: Part III would become effective when it became law, and would apply to students admitted for the fall academic semester of 2020 and thereafter.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1047
PROPOSED COMMITTEE SUBSTITUTE H1047-CSTC-58 [v.9]

06/01/2020 04:19:40 PM

Short Title: Educ. Changes for Military-Connected Students.

(Public)

Sponsors:

Referred to:

April 29, 2020

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE STUDENT ATTENDANCE IN A LOCAL SCHOOL
3 ADMINISTRATIVE UNIT FOR CHILDREN OF ACTIVE DUTY MILITARY DUE TO
4 THE MILITARY ORDERS OF THE PARENT, TO REQUIRE IDENTIFICATION OF
5 MILITARY-CONNECTED STUDENTS IN NONPUBLIC SCHOOLS AND TO CLARIFY
6 THE DEFINITION OF MILITARY-CONNECTED STUDENTS IN PUBLIC SCHOOLS,
7 AND TO CLARIFY CONTINUOUS ENROLLMENT FOR HIGH SCHOOL STUDENTS
8 WHO ARE DEPENDENTS OF MILITARY PERSONNEL ONCE THOSE STUDENTS
9 ARE ADMITTED TO A STATE INSTITUTION OF HIGHER EDUCATION, AS
10 RECOMMENDED BY THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION.

11 The General Assembly of North Carolina enacts:

12
13 **PART I. AUTHORIZE STUDENT ATTENDANCE IN A LOCAL SCHOOL**
14 **ADMINISTRATIVE UNIT FOR CHILDREN OF ACTIVE DUTY MILITARY DUE TO**
15 **THE MILITARY ORDERS OF THE PARENT**

16 **SECTION 1.(a)** G.S. 115C-366(a3) reads as rewritten:

17 "(a3) A student who is not a domiciliary of a local school administrative unit may attend,
18 without the payment of tuition, the public schools of that unit if all of the following apply:

- 19 (1) The student resides with an adult, who is a domiciliary of that unit, as a result
20 of any one of the following:
- 21 a. The death, serious illness, or incarceration of a parent or legal
22 guardian.
 - 23 b. The abandonment by a parent or legal guardian of the complete control
24 of the student as evidenced by the failure to provide substantial
25 financial support and parental guidance.
 - 26 c. Abuse or neglect by the parent or legal guardian.
 - 27 d. The physical or mental condition of the parent or legal guardian is such
28 that he or she cannot provide adequate care and supervision of the
29 student.
 - 30 e. The relinquishment of physical custody and control of the student by
31 the student's parent or legal guardian upon the recommendation of the
32 department of social services or the Division of Mental Health.
 - 33 f. The loss or uninhabitability of the student's home as the result of a
34 natural disaster.
 - 35 g. The parent or legal guardian is one of the following:



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1. ~~On active military duty and is deployed out of the local school administrative unit in which the student resides. For purposes of this sub-sub-subdivision, the term "active duty" does not include periods of active duty for training for less than 30 days.~~
2. A member or veteran of the uniformed services who is severely injured and medically discharged or retired, but only for a period of one year after the medical discharge or retirement of the parent or guardian.
3. A member of the uniformed services who dies on active duty or as a result of injuries sustained on active duty, but only for a period of one year after death. For purposes of this sub-sub-subdivision, the term "active duty" is as defined in G.S. 115C-407.5

Assignment under this sub-subdivision is only available if some evidence of the deployment, medical discharge, retirement, or death is tendered with the affidavits required under subdivision (3) of this subsection.

h. The parent or legal guardian is on active military duty, and the commanding officer of the parent or legal guardian provides in a signed letter that the parent or legal guardian's military orders prevent the parent or legal guardian from physically residing with the student. Assignment under this sub-subdivision is only available if the signed letter from the commanding officer of the parent or legal guardian is included with the affidavits required under subdivision (3) of this subsection, and the commanding officer indicates the time period that such military orders will be in effect. For purposes of this sub-subdivision, the term "active military duty" does not include periods of active duty for training for less than 30 days.

(2) The student is:

- a. Not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit, or
- b. Currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit and is identified as eligible for special education and related services under the Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq., (2004). Assignment under this sub-subdivision is available only if evidence of current eligibility is tendered with the affidavit required under subdivision (3) of this subsection.

(3) The caregiver adult and the student's parent, guardian, or legal custodian have each completed and signed separate affidavits that do all of the following:

- a. Confirm the qualifications set out in this subsection establishing the student's residency.
- b. Attest that the student's claim of residency in the unit is not primarily related to attendance at a particular school within the unit.
- c. Attest that the caregiver adult has been given and accepts responsibility for educational decisions for the student.

If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise unavailable to sign the affidavit, then the caregiver adult shall attest to that fact in the affidavit. If the student is a minor, the caregiver adult must make educational decisions concerning the

1 student and has the same legal authority and responsibility regarding the student as a parent or
2 legal custodian would have even if the parent, guardian, or legal custodian does not sign the
3 affidavit. The minor student's parent, legal guardian, or legal custodian retains liability for the
4 student's acts.

5 Upon receipt of both affidavits or an affidavit from the caregiver adult that includes an
6 attestation that the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise
7 unavailable to sign an affidavit, the local board shall admit and assign as soon as practicable the
8 student to an appropriate school, as determined under the local board's school assignment policy,
9 pending the results of any further procedures for verifying eligibility for attendance and
10 assignment within the local school administrative unit. No requirement of legal guardianship by
11 the caregiver adult shall be required by a local board for a student to qualify for enrollment under
12 this subsection.

13 If it is found that the information contained in either or both affidavits is false, then the local
14 board may, unless the student is otherwise eligible for school attendance under other laws or local
15 board policy, remove the student from school. If a student is removed from school, the board
16 shall provide an opportunity to appeal the removal under the appropriate policy of the local board
17 and shall notify any person who signed the affidavit of this opportunity. If it is found that a person
18 willfully and knowingly provided false information in the affidavit, the maker of the affidavit
19 shall be guilty of a Class 1 misdemeanor and shall pay to the local board an amount equal to the
20 cost of educating the student during the period of enrollment. Repayment shall not include State
21 funds.

22 Affidavits shall include, in large print, the penalty, including repayment of the cost of
23 educating the student, for providing false information in an affidavit."

24 **SECTION 1.(b)** G.S. 115C-366 is amended by adding a new subsection to read:

25 "(a10) A student who is not a domiciliary of a local school administrative unit shall be
26 permitted to register to enroll in the public schools of that unit if that student resides in that local
27 school administrative unit with a parent, legal guardian, or legal custodian on active military duty
28 who is assigned by official military order to a military installation or reservation in the State.
29 Nothing in this subsection shall be construed to curtail a local school administrative unit's
30 authority pursuant to G.S. 115C-366(a5)."

31 **SECTION 1.(c)** This section is effective when it becomes law and applies beginning
32 with the 2020-2021 school year.

33 34 **PART II. REQUIRE IDENTIFICATION OF MILITARY-CONNECTED STUDENTS IN** 35 **NONPUBLIC SCHOOLS AND CLARIFY THE DEFINITION OF** 36 **MILITARY-CONNECTED STUDENTS IN PUBLIC SCHOOLS.**

37 **SECTION 2.(a)** G.S. 115C-12(1)f. reads as rewritten:

38 "f. The State Board of Education shall develop a process for local school
39 administrative units to annually identify enrolled military-connected
40 students using the Uniform Education Reporting System. The
41 identification of military-connected students shall not be used for the
42 purposes of determining school achievement, growth, and
43 performance scores as required by G.S. 115C-12(9)c1. The
44 identification of military-connected students is not a public record
45 within the meaning of G.S. 132-1 and shall not be made public by any
46 person, except as permitted under the provisions of the Family
47 Educational and Privacy Rights Act of 1974, 20 U.S.C. § 1232g. For
48 purposes of this section, a "military-connected student" means a
49 student enrolled in a local school administrative unit who has a parent,
50 step-parent, sibling, or any ~~other person~~ family member who resides in
51 the same household serving in the active or reserve components of the

1 Army, Navy, Air Force, Marine Corps, Coast Guard, or National
2 Guard. Beginning in the 2016-2017 school year, and annually
3 thereafter, the identification of military-connected students for all
4 local school administrative units shall be completed by January 31 of
5 each school year."

6 **SECTION 2.(b)** Part 1 of Article 39 of Chapter 115C of the General Statutes is
7 amended by adding a new section to read:

8 **"§ 115C-550.1. Reporting of military-connected students.**

9 (a) A private church school or school of religious charter shall annually report to the
10 Division of Nonpublic Education, Department of Administration, in a manner established by the
11 Division, on enrolled military-connected students. For purposes of this section, a
12 "military-connected student" means a student enrolled in a private church school or school of
13 religious charter who has a parent, stepparent, sibling, or any family member who resides in the
14 same household serving in the active or reserve components of the Army, Navy, Air Force,
15 Marine Corps, Coast Guard, or National Guard.

16 (b) The identification of military-connected students is not a public record within the
17 meaning of G.S. 132-1 and shall not be made public by any person, except as follows:

- 18 (1) As permitted under the provisions of the Family Educational Rights and
19 Privacy Act of 1974, 20 U.S.C. § 1232g.
20 (2) By the Division of Nonpublic Education to any school liaison in the State
21 employed by the State, a local government, or the Armed Forces, as defined
22 in G.S. 116-143.3."

23 **SECTION 2.(c)** Part 2 of Article 39 of Chapter 115C of the General Statutes is
24 amended by adding a new section to read:

25 **"§ 115C-558.1. Reporting of military-connected students.**

26 (a) A qualified nonpublic school shall annually report to the Division of Nonpublic
27 Education, Department of Administration, in a manner established by the Division, on enrolled
28 military-connected students. For purposes of this section, a "military-connected student" means
29 a student enrolled in a qualified nonpublic school who has a parent, stepparent, sibling, or any
30 family member who resides in the same household serving in the active or reserve components
31 of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard.

32 (b) The identification of military-connected students is not a public record within the
33 meaning of G.S. 132-1 and shall not be made public by any person, except as follows:

- 34 (1) As permitted under the provisions of the Family Educational Rights and
35 Privacy Act of 1974, 20 U.S.C. § 1232g.
36 (2) By the Division of Nonpublic Education to any school liaison in the State
37 employed by the State, a local government, or the Armed Forces, as defined
38 in G.S. 116-143.3."

39 **SECTION 2.(d)** G.S. 115C-564 reads as rewritten:

40 **"§ 115C-564. Qualifications and requirements.**

41 (a) A home school shall make the election to operate under the qualifications of either
42 Part 1 or Part 2 of this Article and shall meet the requirements of the Part elected, except as
43 follows:

- 44 (1) ~~that any~~ Any requirement related to safety and sanitation inspections shall be
45 waived if the school operates in a private ~~residence and residence.~~
46 (2) ~~except that~~ The testing requirements in G.S. 115C-549 and G.S. 115C-557
47 shall be on an annual basis.
48 (3) A new home school shall report a notice of intent to operate through a website
49 maintained by the Division of Nonpublic Education, and shall comply with
50 the report on military-connected students required in G.S. 115C-550.1 and
51 G.S. 115C-558.1 in the notice of intent to operate.

(4) An existing home school shall annually update any changes to the original notice of intent through a website maintained by the Division of Nonpublic Education. The Division shall provide an existing home school the option to indicate if there are no changes from the prior academic year.

(b) The persons providing academic instruction in a home school shall hold at least a high school diploma or its equivalent.

(c) The Division of Nonpublic Education shall contact any home school that has not updated or indicated that there are no updates to the original notice of intent within the prior two academic years. If the home school fails to provide the annual update of information within 60 days of the Division's contact being sent, the Division shall deem the failure to update to be a notice of termination by the home school."

SECTION 2.(e) The Division of Nonpublic Education shall establish, no later than August 1, 2020, a simplified process for home schools to annually update any changes to the notice of intent to operate if no changes are required to the information submitted previously to the Division, as required by G.S. 115C-564(a)(4), as amended by this act. The Division of Nonpublic Education shall contact all existing home schools by September 1, 2020, and notify those schools of both the requirement to annually update changes required by G.S. 115C-564(a)(4), as amended by this act, and the requirement that, for the 2020-2021 school year, all existing home schools must comply with the report on military-connected students.

SECTION 2.(f) This section is effective when it becomes law and applies to all nonpublic schools beginning with the 2020-2021 school year.

PART III. CLARIFY CONTINUOUS ENROLLMENT FOR HIGH SCHOOL STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL ONCE THOSE STUDENTS ARE ADMITTED TO A STATE INSTITUTION OF HIGHER EDUCATION

SECTION 3.(a) G.S. 116-143.3 reads as rewritten:

"§ 116-143.3. Tuition of Armed Forces personnel and their dependents.

...

(c) Any dependent relative of a member of the Armed Forces who is abiding in this State incident to active military duty, as defined by the Board of Governors of The University of North Carolina and by the State Board of Community Colleges while sharing the abode of that member shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. In the event the member of the Armed Forces is reassigned outside of North Carolina or retires, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is reassigned or retires. In the event the member of the Armed Forces receives an Honorable Discharge from military service, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative establishes residency within North Carolina within 30 days after the discharge and is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is discharged.

(c1) A dependent relative who resides with a member of the Armed Forces who is reassigned outside of the State incident to active military duty shall remain eligible to be charged the in-State tuition rate if all of the following are met:

(1) At the time the dependent relative applies for admission to the institution of higher education, as defined in G.S. 116-143.1(a)(3), the dependent relative both:

a. Is enrolled in a North Carolina high school.

1 b. Meets the requirements of subsection (c) of this section.
2 (2) Upon admission, the dependent relative enrolls in the institution of higher
3 education no later than the fall academic semester immediately following
4 notice of admission and remains continuously enrolled.

5 "

6 **SECTION 3.(b)** This section is effective when it becomes law and applies to students
7 admitted for the fall academic semester of 2020 and thereafter.

8
9 **PART IV. EFFECTIVE DATE**

10 **SECTION 4.** Except as otherwise provided herein, this act is effective when it
11 becomes law.

ROLL CALL VOTE

$\frac{6}{\text{YES}}$
 $\frac{8}{\text{NO}}$
 = 14 (TOTAL)

HB# 1047
 SB# _____

HOUSE STANDING COMMITTEE ON Homeland Security Military, and Veterans Affairs

House Sub Committee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
X		Cleveland			
X		Speciale			
		Grange			
		Arp			Stevens
	X	Autry			Lewis
		Boles			Bell
X		Carter			B. Jones
X		Harris			
	X	Horn			
	X	Johnson			
	X	Logan			
		Majeed (did not vote)			
X		Martin			
	X	Meyer			
		Pierce			
	X	Potts			
	X	Rogers			
		Shepard			
X		R. Smith			
	X	Von Haefen			

2.12.19

VISITOR REGISTRATION SHEET

House Comm on Homeland Sec. and Vet Affairs

6-2-2020

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Dan Beasley

HSLDA, One Patrick Henry Cir.
Purcellville, VA 20132

Jeri Graham

Military Officers Association
of America

SPENCER MASON

NORTH CAROLINIANS FOR
HOME EDUCATION

Katie Hall

NC Dept of Admin.

Committee Sergeants at Arms

NAME OF COMMITTEE House Comm on Homeland Sec. and Vet Affairs

DATE: 6-2-2020 Room: 1228/1327

House Sgt-At Arms:

1. Name: Reggie Sills
2. Name: David Leighton
3. Name: Joe Crook
4. Name: Mark Douglas
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:



**House Committee on Homeland Security, Military, and Veterans Affairs
Tuesday, June 16, 2020 at 2:30 PM
Room 425 of the Legislative Office Building**

MINUTES

The House Committee on Homeland Security, Military, and Veterans Affairs met at 2:30 PM on June 16, 2020 in Room 425 of the Legislative Office Building. Representatives Carter, Cleveland, Grange, Harris, Horn, J. Johnson, Logan, Majeed, Meyer, Pierce, Rogers, and Speciale attended. Staff present were Jennifer Bedford from Legislative Analysis, Cory Bryson from the Speaker's office, and Committee clerks Pamela Ahlin and Hazel Speciale. The Sergeant-at-Arms and Visitors logs are attached to this committee record.

Representative George G. Cleveland, Chair, presided.

The following bills were considered:

SB 717 PED/Military Occupational Licensure. (Senators Bryan, Wells, D. Davis)

There was an explanation of the bill, the PCS, and Representative Cleveland's amendment by Jennifer Bedford. The amendment passed. There was a robust discussion regarding the turnaround time for processing licenses. Ms. Bedford explained the complicated changes to the bill, which would change statutes in several different sections of the law. Rep. Horn did not like the fact that the bill was too complex and spoke against the bill. Rep. Meyer moved to table the bill. That motion failed. Rep. Speciale moved for the bill to have a favorable report, and be re-referred to Rules committee. The bill failed in a voice vote.

There was no further business and the meeting was adjourned at 3 PM.

A handwritten signature in cursive script that reads "George G. Cleveland".

Representative George G. Cleveland, Chair
Presiding

A handwritten signature in cursive script that reads "Pamela Ahlin".

Pamela Ahlin, Committee Clerk

Updated #2: Time Change to 2:30 PM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2019-2020 SESSION**

You are hereby notified that the **House Committee on Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Tuesday, June 16, 2020

TIME: 2:30 PM

LOCATION: 425 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>SB 717</u>	PED/Military Occupational Licensure.	Senator Bryan Senator Wells Senator D. Davis

Respectfully,

Representative George G. Cleveland, Co-Chair
Representative Michael Speciale, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:24 PM on Tuesday, June 16, 2020.

____ Principal Clerk
____ Reading Clerk – House Chamber

Pamela Ahlin (Committee Assistant)



**House Committee on Homeland Security, Military, and Veterans Affairs
Tuesday, June 16, 2020, 2:00 PM
425 Legislative Office Building**

AGENDA

Chair Rep. George G. Cleveland

Welcome and Opening Remarks

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 717	PED/Military Occupational Licensure.	Senator Bryan Senator Wells Senator D. Davis

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 717*
Commerce and Insurance Committee Substitute Adopted 5/26/20
Third Edition Engrossed 6/2/20

Short Title: PED/Military Occupational Licensure.

(Public)

Sponsors:

Referred to:

May 14, 2020

A BILL TO BE ENTITLED

AN ACT TO EXPEDITE OCCUPATIONAL LICENSURE FOR MILITARY SPOUSES,
PUBLICIZE LICENSURE INFORMATION, AND REPORT DATA REGARDING
APPLICANTS WHO ARE MILITARY SPOUSES AND APPLICANTS THAT HAVE
MILITARY TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE
PROGRAM EVALUATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. 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.**

(a) Except as provided by subsection (a2) of this section, and notwithstanding any other
provision of law, an occupational licensing board, or State agency licensing board, as defined in
G.S. 93B-1, shall issue a license, certification, or registration to a military-trained applicant to
allow the applicant to lawfully practice the applicant's occupation in this State if, upon application
to an occupational licensing board, board or State agency licensing board, the military-trained
applicant satisfies the following conditions:

- (1) Has been awarded a military occupational specialty and has done all of the
following at a level that is substantially equivalent to or exceeds the
requirements for licensure, certification, or registration of the occupational
licensing board or State agency licensing board from which the applicant is
seeking licensure, certification, or registration in this State: completed a
military program of training, completed testing or equivalent training and
experience, and performed in the occupational specialty.
- (2) Has engaged in the active practice of the occupation for which the person is
seeking a license, certification, or permit from the occupational licensing or
State agency licensing board in this State for at least two of the five years
preceding the date of the application under this section.
- (3) Has not committed any act in any jurisdiction that would have constituted
grounds for refusal, suspension, or revocation of a license to practice that
occupation in this State at the time the act was committed and has no pending
complaints.
- (4) Repealed by Session Laws 2017-28, s. 3, effective July 1, 2017, and applicable
to applications submitted on or after that date.

(a1) No later than ~~30~~ seven business days following receipt of an ~~application~~, application
from a military-trained applicant, an occupational licensing board or State agency licensing board



* S 7 1 7 - V - 3 *

1 shall either issue a license, certification, or registration or notify an applicant when the applicant's
2 military training or experience does not satisfy the requirements for licensure, certification, or
3 registration and shall specify the criteria or requirements that the board determined that the
4 applicant failed to meet and the basis for that determination. If a military-trained applicant has a
5 pending complaint under subdivision (3) of subsection (a) of this section, an occupational
6 licensing board or State agency licensing board shall notify the applicant no later than seven
7 business days following the board receiving written notice of the disposition of the pending
8 complaint.

9 (a2) An occupational licensing ~~board, board or State agency licensing board~~, as defined in
10 G.S. 93B-1, shall issue a license, certification, or registration to a military-trained applicant to
11 allow the applicant to lawfully practice the applicant's occupation in this State if the
12 military-trained applicant, upon application to the occupational licensing ~~board, board or State~~
13 agency licensing board, satisfies the following conditions:

- 14 (1) Presents official, notarized documentation, such as a U.S. Department of
15 Defense Form 214 (DD-214), or similar substantiation, attesting to the
16 applicant's military occupational specialty certification and experience in an
17 occupational field within the board's purview; and
- 18 (2) Passes a proficiency examination offered by the board to military-trained
19 applicants in lieu of satisfying the conditions set forth in subsection (a) of this
20 section; however, if an applicant fails the proficiency examination, then the
21 applicant may be required by the board to satisfy those conditions.

22 In any case where a proficiency examination is not offered routinely by an occupational licensing
23 ~~board, board or State agency licensing board~~, the board shall design a fair proficiency
24 examination for military-trained applicants to obtain licensure, certification, or registration under
25 this section. If a proficiency examination is offered routinely by an occupational licensing ~~board,~~
26 board or State agency licensing board, that examination shall satisfy the requirements of this
27 section.

28 (b) Notwithstanding any other provision of law, an occupational licensing ~~board, board~~
29 or State agency licensing board, as defined in G.S. 93B-1, shall issue a license, certification, or
30 registration to a military spouse to allow the military spouse to lawfully practice the military
31 spouse's occupation in this State if, upon application to an occupational licensing ~~board, board~~
32 or State agency licensing board, the military spouse satisfies the following conditions:

- 33 (1) Holds a current license, certification, or registration from another jurisdiction,
34 and that jurisdiction's requirements for licensure, certification, or registration
35 are substantially equivalent to or exceed the requirements for licensure,
36 certification, or registration of the occupational licensing board or State
37 agency licensing board for which the applicant is seeking licensure,
38 certification, or registration in this State.
- 39 (2) Can demonstrate competency in the occupation through methods as
40 determined by the Board, such as having completed continuing education
41 units or having had recent experience for at least two of the five years
42 preceding the date of the application under this section.
- 43 (3) Has not committed any act in any jurisdiction that would have constituted
44 grounds for refusal, suspension, or revocation of a license to practice that
45 occupation in this State at the time the act was committed.
- 46 (4) Is in good standing; has not been disciplined by the agency that had
47 jurisdiction to issue the license, certification, or permit; and has no pending
48 complaints.
- 49 (5) Repealed by Session Laws 2017-28, s. 3, effective July 1, 2017, and applicable
50 to applications submitted on or after that date.

(b1) No later than seven business days following receipt of an application from a military spouse, an occupational licensing board or State agency licensing board shall either issue a license, certification, or registration or notify an applicant when the applicant's training or experience does not satisfy the requirements for licensure, certification, or registration and specify the criteria or requirements that the board determined that the applicant failed to meet and the basis for that determination. If an applicant who is a military spouse has a pending complaint under subdivision (4) of subsection (b) of this section, an occupational licensing board or State agency licensing board shall notify the applicant no later than seven business days following the board receiving written notice of the disposition of the pending complaint.

(c) All relevant experience of a military service member in the discharge of official duties or, for a military spouse, all relevant experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in an occupation as required under subsection (a) or (b) of this section.

(c1) Each occupational licensing board or State agency licensing board shall publish ~~a-on~~ its Web site all of the following:

(1) A document that lists the specific criteria or requirements for licensure, registration, or certification by the board, with a description of the criteria or requirements that are satisfied by military training or experience as provided in this section, and any necessary documentation needed for obtaining the credit or satisfying the requirement. ~~The information required by this subsection shall be published on the occupational licensing board's Web site and the Web site of the Department of Military and Veterans Affairs.~~

(2) A document that includes a summary of the opportunities available to veterans and military spouses under this section.

(c2) The Secretary of the Department of Military and Veterans Affairs shall publish on the Department's Web site the information required under subsection (c1) of this section.

(d) A nonresident licensed, certified, or registered under this section shall be entitled to the same rights and subject to the same obligations as required of a resident licensed, certified, or registered by an occupational licensing board or State agency licensing board in this State.

(e) Nothing in this section shall be construed to apply to the practice of law as regulated under Chapter 84 of the General Statutes.

(f) An occupational licensing board or State agency licensing board, shall issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (a) or (b) of this section within seven business days following receipt of an application, if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of an ~~occupation-occupational~~ occupational licensing or State agency licensing board in this State. The practice permit shall be issued using the same information as provided by the applicant in the licensure application and remain valid for the later of one year or the required renewal date for the occupation the temporary practice permit was issued for or until a license, certification, or registration is granted by the occupational licensing board or State agency licensing board. A temporary practice permit may be denied or revoked for a pending complaint after notice is provided to the military-trained applicant or military spouse as set forth under subsection (a1) or (b1) of this section.

(g) An occupational licensing board or State agency licensing board may adopt rules necessary to implement this section.

(h) Nothing in this section shall be construed to prohibit a military-trained applicant or military spouse from proceeding under the existing licensure, certification, or registration requirements established by an occupational licensing board or State agency licensing board in this State.

(i) ~~For the purposes of this section, the State Board of Education shall be considered an occupational licensing board when issuing teacher licenses under Article 17E of Subchapter V of Chapter 115C of the General Statutes.~~ In addition to the provisions for licensure provided by this section, a local board of education may request a three-year limited license for a military spouse who holds a current teaching license in another jurisdiction pursuant to G.S. 115C-270.20(a)(4a). The State Board of Education shall report the information specified in G.S. 93B-2(a)(9c) and (9d) in accordance with G.S. 93B-2.

(j) For the purposes of this section, the North Carolina Medical Board shall not be considered an occupational licensing ~~board~~ board or State agency licensing board.

(k) An occupational licensing board or State agency licensing board shall not charge a military-trained applicant or a military spouse an initial application fee for a license, certification, registration, or temporary practice permit issued pursuant to this section. Nothing in this subsection shall be construed to prohibit an occupational licensing board or State agency licensing board from charging its ordinary fee for a renewal application or prohibit a third party from charging actual costs for a service such as a background check."

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

"§ 93B-2. Annual reports required; contents; open to inspection; sanction for failure to report.

(a) No later than October 31 of each year, each occupational licensing board shall file electronically with the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee an annual report containing all of the following information:

...

(9c) The number of applicants with military training, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant.

(9d) The number of applicants who are military spouses, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant.

...

(b1) No later than October 31 of each year, each occupational licensing board or 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).

...

(e) No later than October 31 of each year, each State agency licensing board shall file electronically with the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee an annual report containing all of the following information:

...

(3) The number of applicants with military training, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant.

(4) The number of applicants who are military spouses, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant."

SECTION 2.(b) By October 31, 2021, each occupational licensing board shall include the data specified in G.S. 93B-2(a)(9c) and (9d), as provided for in this act, for fiscal year

1 2019-2020 in the annual report to the Secretary of State, the Attorney General, and the Joint
2 Legislative Administrative Procedure Oversight Committee, as required by G.S. 93B-2(a). By
3 October 31, 2021, each State agency licensing board shall include the data specified in
4 G.S. 93B-2(e)(3) and (4), as provided for in this act, for fiscal year 2019-2020 in the annual report
5 to the Secretary of State, the Attorney General, and the Joint Legislative Administrative
6 Procedure Oversight Committee, as required by G.S. 93B-2(e).

7 **SECTION 3.** This act becomes effective December 1, 2020, and applies to
8 applications for licensure received on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 717
Commerce and Insurance Committee Substitute Adopted 5/26/20
Third Edition Engrossed 6/2/20
PROPOSED HOUSE COMMITTEE SUBSTITUTE S717-CSTT-53 [v.7]

06/15/2020 05:07:32 PM

Short Title: PED/Military Occupational Licensure.

(Public)

Sponsors:

Referred to:

May 14, 2020

A BILL TO BE ENTITLED
AN ACT TO FACILITATE, PUBLICIZE, AND TRACK EXPEDITED OCCUPATIONAL
LICENSURE FOR APPLICANTS THAT HAVE MILITARY TRAINING AND TO
EXPEDITE OCCUPATIONAL LICENSURE FOR MILITARY SPOUSES, AS
RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION
OVERSIGHT COMMITTEE, AND TO ESTABLISH THE INTERSTATE COMPACT
FOR THE PRACTICE OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY.

The General Assembly of North Carolina enacts:

PART I. OCCUPATIONAL LICENSING

SECTION 1. Chapter 93B of the General Statutes reads as rewritten:

"Chapter 93B.

"Occupational Licensing Boards.

"Article 1.

"Occupational Licensing Boards.

...."

SECTION 2. 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.

(a) Except as provided by subsection (a2) of this section, and notwithstanding any other provision of law, an occupational licensing board, or State agency licensing board, as defined in G.S. 93B-1, shall issue a license, certification, or registration to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in this State if, upon application to an occupational licensing board, board or State agency licensing board, the military-trained applicant satisfies the following conditions:

(1) Has been awarded a military occupational specialty and has done all of the following at a level that is substantially equivalent to or exceeds the requirements for licensure, certification, or registration of the occupational licensing board or State agency licensing board, from which the applicant is seeking licensure, certification, or registration in this State: completed a military program of training, completed testing or equivalent training and experience, and performed in the occupational specialty.

(2) Has engaged in the active practice of the occupation for which the person is seeking a license, certification, or permit from the occupational licensing or



1 State agency licensing board, in this State for at least two of the five years
2 preceding the date of the application under this section.

3 (3) Has not committed any act in any jurisdiction that would have constituted
4 grounds for refusal, suspension, or revocation of a license to practice that
5 occupation in this State at the time the act was committed and has no pending
6 complaints.

7 (4) Repealed by Session Laws 2017-28, s. 3, effective July 1, 2017, and applicable
8 to applications submitted on or after that date.

9 (a1) No later than 30 days following receipt of an ~~application~~, application from a
10 military-trained applicant, an occupational licensing board or State agency licensing board, shall
11 either issue a license, certification, or registration, or notify an applicant when the applicant's
12 military training or experience does not satisfy the requirements for licensure, certification, or
13 registration and shall specify the criteria or requirements that the board determined that the
14 applicant failed to meet and the basis for that determination. If a military-trained applicant has a
15 pending complaint under subdivision (3) of subsection (a) of this section, an occupational
16 licensing board or State agency licensing board, shall notify the applicant no later than seven
17 business days following the board receiving written notice of the disposition of the pending
18 complaint.

19 (a2) An occupational licensing ~~board, board or State agency licensing board~~, as defined in
20 G.S. 93B-1, shall issue a license, certification, or registration to a military-trained applicant to
21 allow the applicant to lawfully practice the applicant's occupation in this State if the
22 military-trained applicant, upon application to the occupational licensing ~~board, board or State~~
23 agency licensing board, satisfies the following conditions:

24 (1) Presents official, notarized documentation, such as a U.S. Department of
25 Defense Form 214 (DD-214), or similar substantiation, attesting to the
26 applicant's military occupational specialty certification and experience in an
27 occupational field within the board's purview; and

28 (2) Passes a proficiency examination offered by the board to military-trained
29 applicants in lieu of satisfying the conditions set forth in subsection (a) of this
30 section; however, if an applicant fails the proficiency examination, then the
31 applicant may be required by the board to satisfy those conditions.

32 In any case where a proficiency examination is not offered routinely by an occupational licensing
33 ~~board, board or State agency licensing board~~, the board shall design a fair proficiency
34 examination for military-trained applicants to obtain licensure, certification, or registration under
35 this section. If a proficiency examination is offered routinely by an occupational licensing ~~board,~~
36 board or State agency licensing board, that examination shall satisfy the requirements of this
37 section.

38 (b) Notwithstanding any other provision of law, an occupational licensing ~~board, board~~
39 or State agency licensing board, as defined in G.S. 93B-1, shall issue a license, certification, or
40 registration to a military spouse to allow the military spouse to lawfully practice the military
41 spouse's occupation in this State if, upon application to an occupational licensing ~~board, board~~
42 or State agency licensing board, the military spouse satisfies the following conditions:

43 (1) Holds a current license, certification, or registration from another jurisdiction,
44 and that jurisdiction's requirements for licensure, certification, or registration
45 are substantially equivalent to or exceed the requirements for licensure,
46 certification, or registration of the occupational licensing board or State
47 agency licensing board, for which the applicant is seeking licensure,
48 certification, or registration in this State.

49 (2) Can demonstrate competency in the occupation through methods as
50 determined by the Board, such as having completed continuing education

units or having had recent experience for at least two of the five years preceding the date of the application under this section.

(3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.

(4) Is in good standing; has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit; and has no pending complaints.

(5) Repealed by Session Laws 2017-28, s. 3, effective July 1, 2017, and applicable to applications submitted on or after that date.

(b1) No later than 30 days following receipt of an application from a military spouse, an occupational licensing board or State agency licensing board, shall either issue a license, certification, or registration or notify an applicant when the applicant's training or experience does not satisfy the requirements for licensure, certification, or registration and specify the criteria or requirements that the board determined that the applicant failed to meet and the basis for that determination. If an applicant who is a military spouse has a pending complaint under subdivision (4) of subsection (b) of this section, an occupational licensing board or State agency licensing board, shall notify the applicant no later than seven business days following the board receiving written notice of the disposition of the pending complaint.

(c) All relevant experience of a military service member in the discharge of official duties or, for a military spouse, all relevant experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in an occupation as required under subsection (a) or (b) of this section.

(c1) Each occupational licensing board or State agency licensing board shall publish ~~a-on~~ its Web site all of the following:

(1) A document that lists the specific criteria or requirements for licensure, registration, or certification by the board, with a description of the criteria or requirements that are satisfied by military training or experience as provided in this section, and any necessary documentation needed for obtaining the credit or satisfying the requirement. ~~The information required by this subsection shall be published on the occupational licensing board's Web site and the Web site of the Department of Military and Veterans Affairs.~~

(2) A document that includes a summary of the opportunities available to military service members and military spouses under this section.

(c2) The Secretary of the Department of Military and Veterans Affairs shall publish on the Department's Web site the information required under subsection (c1) of this section.

(d) A nonresident licensed, certified, or registered under this section shall be entitled to the same rights and subject to the same obligations as required of a resident licensed, certified, or registered by an occupational licensing board or State agency licensing board, in this State.

(e) Nothing in this section shall be construed to apply to the practice of law as regulated under Chapter 84 of the General Statutes.

(f) An occupational licensing board or State agency licensing board, shall issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (a) or (b) of this section within 30 days following receipt of an application, if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of an ~~occupation~~ occupational licensing or State agency licensing board, in this State. The practice permit shall be issued using the same information as provided by the applicant in the licensure application, and remain valid for the later of one year or the required renewal date for the occupation the temporary practice permit was issued for or until a license, certification, or

1 registration is granted by the occupational licensing board ~~board~~ or State agency licensing board.
2 A temporary practice permit may be denied or revoked for a pending complaint after notice is
3 provided to the military-trained applicant or military spouse as set forth under subsection (a1) or
4 (b1) of this section.

5 (g) An occupational licensing board or State agency licensing board, may adopt rules
6 necessary to implement this section.

7 (h) Nothing in this section shall be construed to prohibit a military-trained applicant or
8 military spouse from proceeding under the ~~existing~~ licensure, certification, or registration
9 requirements established by an occupational licensing board or State agency licensing board, in
10 this ~~State~~ State for applicants without ties to the military.

11 (i) For the purposes of this section, the State Board of Education shall be considered an
12 occupational licensing board when issuing teacher licenses under Article 17E of Subchapter V
13 of Chapter 115C of the General Statutes. In addition to the provisions for licensure provided by
14 this section, a local board of education may request a three-year limited license for a military
15 spouse who holds a current teaching license in another jurisdiction pursuant to
16 G.S. 115C-270.20(a)(4a). The State Board of Education shall report the information specified in
17 G.S. 93B-2(a)(9c) and (9d) in accordance with G.S. 93B-2.

18 (j) For the purposes of this section, the North Carolina Medical Board shall not be
19 considered an occupational licensing board ~~board~~ or State agency licensing board.

20 (k) An occupational licensing board or State agency licensing board, shall not charge a
21 military-trained applicant or a military spouse an initial application fee for a license, certification,
22 registration, or temporary practice permit issued pursuant to this section. Nothing in this
23 subsection shall be construed to prohibit an occupational licensing board or State agency
24 licensing board, from charging its ordinary fee for a renewal application or prohibit a third party
25 from charging actual costs for a service such as a background check."

26 **SECTION 3.(a)** G.S. 93B-2 reads as rewritten:

27 **"§ 93B-2. Annual reports required; contents; open to inspection; sanction for failure to**
28 **report.**

29 (a) No later than October 31 of each year, each occupational licensing board shall file
30 electronically with the Secretary of State, the Attorney General, and the Joint Legislative
31 Administrative Procedure Oversight Committee an annual report containing all of the following
32 information:

33 ...
34 (9c) The number of applicants with military training, the number granted a license,
35 the number denied a license for any reason, and a summary of the reasons for
36 denial. The information provided in accordance with this subdivision shall not
37 disclose any identifying information of any applicant.

38 (9d) The number of applicants who are military spouses, the number granted a
39 license, the number denied a license for any reason, and a summary of the
40 reasons for denial. The information provided in accordance with this
41 subdivision shall not disclose any identifying information of any applicant.

42 ...
43 (b1) No later than October 31 of each year, each occupational licensing board or State
44 agency licensing board, shall file electronically with the Secretary of the Department of Military
45 and Veterans Affairs information collected pursuant to G.S. 93B-2(a)(9c) and (9d).

46 ...
47 (e) No later than October 31 of each year, each State agency licensing board shall file
48 electronically with the Secretary of State, the Attorney General, and the Joint Legislative
49 Administrative Procedure Oversight Committee an annual report containing all of the following
50 information:

51 ...

(3) The number of applicants with military training, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant.

(4) The number of applicants who are military spouses, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant."

SECTION 3.(b) By October 31, 2021, each occupational licensing board shall include the data specified in G.S. 93B-2(a)(9c) and (9d), as provided for in this act, for fiscal year 2019-2020 in the annual report to the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee, as required by G.S. 93B-2(a). By October 31, 2021, each State agency licensing board shall include the data specified in G.S. 93B-2(e)(3) and (4), as provided for in this act, for fiscal year 2019-2020 in the annual report to the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee, as required by G.S. 93B-2(e).

PART II. INTERSTATE COMPACT FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

SECTION 4. Chapter 93B of the General Statutes is amended by adding a new Article to read:

"Article 2.

"Interstate Compact for Audiology and Speech-Language Pathology.

"§ 93B-17. Purpose.

(a) The purpose of this Compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the client is located at the time of the service. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This Compact is designed to achieve the following objectives:

- (1) Increase public access to audiology and speech-language pathology services by providing mutual recognition of other member state licenses.
- (2) Enhance the states' ability to protect the public's health and safety.
- (3) Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice.
- (4) Support spouses of relocating active duty military personnel.
- (5) Enhance the exchange of licensure, investigative, and disciplinary information between member states.
- (6) Allow a remote state to hold a provider of services with a compact privilege in that state, accountable to that state's practice standards.
- (7) Allow for the use of telehealth to increase access to audiology and speech-language pathology services.

"§ 93B-18. Definitions.

(a) As used in this Article, and except as otherwise provided, the following definitions apply:

- (1) Active duty military. – Full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.
- (2) Adverse action. – Any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice such as

- 1 revocation, suspension, probation, monitoring of the licensee, or restriction on
2 the licensee's practice.
- 3 (3) Alternative program. – A nondisciplinary monitoring process approved by an
4 audiology or speech-language pathology licensing board to address impaired
5 practitioners.
- 6 (4) Audiologist. – An individual who is licensed by a state to practice audiology.
7 (5) Audiology. – The care and services provided by a licensed audiologist as set
8 forth in the member state's statutes and rules.
- 9 (6) Audiology and Speech-Language Pathology Compact Commission. – The
10 national administrative body whose membership consists of all states that
11 have enacted the Compact.
- 12 (7) Audiology and speech-language pathology licensing board. – Unless the
13 context clearly implies otherwise, when used in this Article, "audiology and
14 speech-language pathology licensing board," "audiology licensing board,"
15 "speech-language pathology licensing board," or "licensing board" means the
16 agency of a state that is responsible for the licensing and regulation of
17 audiologists and speech-language pathologists.
- 18 (8) Compact privilege. – The authorization granted by a remote state to allow a
19 licensee from another member state to practice as an audiologist or
20 speech-language pathologist in the remote state under the remote state's laws
21 and rules. The practice of audiology or speech-language pathology occurs in
22 the member state where the client is located at the time of the service.
- 23 (9) Current significant investigative information. – Investigative information that
24 a licensing board, after an inquiry or investigation that includes notification
25 and an opportunity for the audiologist or speech-language pathologist to
26 respond, if required by state law, has reason to believe is not groundless and,
27 if proved true, would indicate more than a minor infraction.
- 28 (10) Data system. – A repository of information about licensees, including, but not
29 limited to, continuing education, examination, licensure, investigative
30 information, compact privilege, and adverse action.
- 31 (11) Encumbered license. – A license in which an adverse action restricts the
32 practice of audiology or speech-language pathology by the licensee and said
33 adverse action has been reported to the National Practitioner Data Bank
34 (NPDB).
- 35 (12) Executive Committee. – A group of directors elected or appointed to act on
36 behalf of, and within the powers granted to them by, the Commission.
- 37 (13) Home state. – The member state that is the licensee's primary state of
38 residence.
- 39 (14) Impaired practitioner. – An individual whose professional practice is
40 adversely affected by substance abuse, addiction, or other health-related
41 condition.
- 42 (15) Licensee. – An individual who currently holds an authorization from the state
43 licensing board to practice as an audiologist or speech-language pathologist.
- 44 (16) Member state. – Member state means a state that has enacted the Compact.
45 (17) Privilege to practice. – A legal authorization permitting the practice of
46 audiology or speech-language pathology in a remote state.
- 47 (18) Remote state. – A member state other than the home state where a licensee is
48 exercising or seeking to exercise the Compact privilege.
- 49 (19) Rule. – A regulation, principle, or directive promulgated by the Commission
50 that has the force of law.

- 1 (20) Single-state license. – An audiology or speech-language pathology license
2 issued by a member state that authorizes practice only within the issuing state
3 and does not include a privilege to practice in any other member state.
4 (21) Speech-language pathologist. – An individual who is licensed by a state to
5 practice speech-language pathology.
6 (22) Speech-language pathology. – The care and services provided by a licensed
7 speech-language pathologist as set forth in the member state's statutes and
8 rules.
9 (23) State. – Any state, commonwealth, district, or territory of the United States of
10 America that regulates the practice of audiology and speech-language
11 pathology.
12 (24) State practice laws. – A member state's laws, rules, and regulations that govern
13 the practice of audiology or speech-language pathology, define the scope of
14 audiology or speech-language pathology practice, and create the methods and
15 grounds for imposing discipline.
16 (25) Telehealth. – The application of telecommunication technology to deliver
17 audiology or speech-language pathology services at a distance for assessment,
18 intervention, or consultation.

19 **"§ 93B-19. State participation in the Compact.**

20 (a) A license issued to an audiologist or speech-language pathologist by a home state to
21 a resident in that state shall be recognized by each member state as authorizing an audiologist to
22 practice audiology or a speech-language pathologist to practice speech-language pathology,
23 under a privilege to practice, in each member state.

24 (b) A state must implement or utilize procedures for considering the criminal history
25 records of applicants for the initial privilege to practice. These procedures shall include the
26 submission of fingerprints or other biometric-based information by applicants for the purpose of
27 obtaining an applicant's criminal history record from the Federal Bureau of Investigation and the
28 agency responsible for retaining that state's criminal records.

29 (1) A member state must fully implement a criminal background check
30 requirement within a time frame established by rule, by receiving the results
31 of the Federal Bureau of Investigation criminal background check, and using
32 the applicant's results in making licensure decisions.

33 (2) Communication between member states and the Commission, regarding the
34 verification of eligibility for licensure through the Compact shall not include
35 any information received from the Federal Bureau of Investigation relating to
36 a federal criminal records check initiated by a member state under Public Law
37 92-544.

38 (c) On application for a privilege to practice, the licensing board in the issuing remote
39 state shall ascertain, through the data system, all of the following:

40 (1) If the applicant has ever held, or is the holder of, a license issued by any other
41 state.

42 (2) If there are any encumbrances on any license or privilege to practice held by
43 the applicant.

44 (3) If any adverse action has been taken against any license or privilege to practice
45 held by the applicant.

46 (d) Each member state shall require an applicant to obtain or retain a license in the home
47 state and meet the home state's qualifications for licensure or renewal of licensure, as well as, all
48 other applicable state laws.

49 (e) Audiologists. – In order to be eligible for licensure as an audiologist, the applicant
50 must meet all of the following requirements:

- 1 (1) Be educated in the field. The applicant must meet one of the following
2 educational requirements:
- 3 (a) Graduated on or before December 31, 2007, with a master's degree or
4 doctorate in audiology, or equivalent degree regardless of degree
5 name, from a program that is accredited by an accrediting agency
6 recognized by the Council for Higher Education Accreditation, or its
7 successor, or by the United States Department of Education, and
8 operated by a college or university accredited by a regional or national
9 accrediting organization recognized by the board.
- 10 (b) Graduated on or after January 1, 2008, with a doctoral degree in
11 audiology, or equivalent degree, regardless of degree name, from a
12 program that is accredited by an accrediting agency recognized by the
13 Council for Higher Education Accreditation, or its successor, or by the
14 United States Department of Education and operated by a college or
15 university accredited by a regional or national accrediting organization
16 recognized by the board.
- 17 (c) Graduated from an audiology program that is housed in an institution
18 of higher education outside of the United States (i) for which the
19 program and institution have been approved by the authorized
20 accrediting body in the applicable country and (ii) the degree program
21 has been verified by an independent credentials' review agency to be
22 comparable to a state licensing board-approved program.
- 23 (2) Has completed a supervised clinical practicum experience from an accredited
24 educational institution or its cooperating programs as required by the board.
- 25 (3) Has successfully passed a national examination approved by the Commission.
- 26 (4) Holds an active, unencumbered license.
- 27 (5) Has not been convicted or found guilty, and has not entered an agreed
28 disposition, of a felony related to the practice of audiology, under applicable
29 state or federal criminal law.
- 30 (6) Has a valid United States social security or National Practitioner Identification
31 number.
- 32 (e) Speech-language pathologists. – In order to be eligible for licensure as a
33 speech-language pathologist, the applicant must meet all of the following requirements:
- 34 (1) Be educated in the field. The applicant must meet one of the following
35 educational requirements:
- 36 a. Graduated with a master's degree from a speech-language
37 pathology program that is accredited by an organization
38 recognized by the United States Department of Education and
39 operated by a college or university accredited by a regional or
40 national accrediting organization recognized by the board.
- 41 b. Graduated from a speech-language pathology program that is
42 housed in an institution of higher education outside of the
43 United States (i) for which the program and institution have
44 been approved by the authorized accrediting body in the
45 applicable country and (ii) the degree program has been
46 verified by an independent credentials review agency to be
47 comparable to a state licensing board-approved program.
- 48 (2) Has completed a supervised clinical practicum experience from an educational
49 institution or its cooperating programs as required by the Commission.
- 50 (3) Has completed a supervised postgraduate professional experience as required
51 by the Commission.

- (4) Has successfully passed a national examination approved by the Commission.
- (5) Holds an active, unencumbered license.
- (6) Has not been convicted or found guilty, and has not entered an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law.
- (7) Has a valid United States social security or National Practitioner Identification number.

(f) The privilege to practice is derived from the home state license.

(g) An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology shall include all audiology practice as defined by the state practice laws of the member state in which the client is located. The practice of speech-language pathology shall include all speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology or speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts, and the laws of the member state in which the client is located at the time service is provided.

(h) Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.

(i) Member states may charge a fee for granting a compact privilege.

(j) Member states must comply with the bylaws and rules and regulations of the Commission.

"§ 93B-20. Compact privilege.

(a) To exercise the compact privilege under the terms and provisions of the Compact, the audiologist or speech-language pathologist shall meet all of the following:

- (1) Hold an active license in the home state.
- (2) Have no encumbrance on any state license.
- (3) Be eligible for a compact privilege in any member state in accordance with G.S. 93B-19.
- (4) Have not had any adverse action against any license or compact privilege within the previous two years from date of application.
- (5) Notify the Commission that the licensee is seeking the compact privilege within a remote state(s).
- (6) Pay any applicable fees, including any state fee, for the compact privilege.
- (7) Report to the Commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.

(b) For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one home state license at a time.

(c) Except as provided in G.S. 93B-22, if an audiologist or speech-language pathologist changes primary state of residence by moving between two member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the Commission.

(d) The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

(e) A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of

1 residence to the new home state and satisfies all applicable requirements to obtain a license from
2 the new home state.

3 (f) If an audiologist or speech-language pathologist changes primary state of residence
4 by moving from a member state to a nonmember state, the license issued by the prior home state
5 shall convert to a single-state license, valid only in the former home state.

6 (g) The compact privilege is valid until the expiration date of the home state license. The
7 licensee must comply with the requirements of subsection (a) of this section to maintain the
8 compact privilege in the remote state.

9 (h) A licensee providing audiology or speech-language pathology services in a remote
10 state under the compact privilege shall function within the laws and regulations of the remote
11 state.

12 (i) A licensee providing audiology or speech-language pathology services in a remote
13 state is subject to that state's regulatory authority. A remote state may, in accordance with due
14 process and that state's laws, remove a licensee's compact privilege in the remote state for a
15 specific period, impose fines, and take any other necessary actions to protect the health and safety
16 of its citizens.

17 (j) If a home state license is encumbered, the licensee shall lose the compact privilege in
18 any remote state until both of the following occur:

19 (1) The home state license is no longer encumbered.

20 (2) Two years have elapsed from the date of the adverse action.

21 (k) Once an encumbered license in the home state is restored to good standing, the
22 licensee must meet the requirements of subsection (a) of this section to obtain a compact privilege
23 in any remote state.

24 (l) Once the requirements of subsection (j) of this section have been met, the licensee
25 must meet the requirements in subsection (a) of this section to obtain a compact privilege in a
26 remote state.

27 **"§ 93B-21. Compact privilege to practice telehealth.**

28 Member states shall recognize the right of an audiologist or speech-language pathologist,
29 licensed by a home state in accordance with G.S. 93B-19 and under rules promulgated by the
30 Commission, to practice audiology or speech-language pathology in any member state via
31 telehealth under a privilege to practice as provided in the Compact and rules promulgated by the
32 Commission.

33 **"§ 93B-22. Active duty military personnel or their spouses.**

34 Active duty military personnel, or their spouses, shall designate a home state where the
35 individual has a current license in good standing. The individual may retain the home state
36 designation during the period the servicemember is on active duty. Subsequent to designating a
37 home state, the individual shall only change their home state through application for licensure in
38 the new state.

39 **"§ 93B-23. Adverse actions.**

40 (a) In addition to the other powers conferred by state law, a remote state shall have the
41 authority, in accordance with existing state due process law, to:

42 (1) Take adverse action against an audiologist's or speech-language pathologist's
43 privilege to practice within that member state.

44 (2) Issue subpoenas for both hearings and investigations that require the
45 attendance and testimony of witnesses as well as the production of evidence.
46 Subpoenas issued by a licensing board in a member state for the attendance
47 and testimony of witnesses or the production of evidence from another
48 member state shall be enforced in the latter state by any court of competent
49 jurisdiction, according to the practice and procedure of that court applicable
50 to subpoenas issued in proceedings pending before it. The issuing authority
51 shall pay any witness fees, travel expenses, mileage, and other fees required

by the service statutes of the state in which the witnesses or evidence are located.

(b) Only the home state shall have the power to take adverse action against an audiologist or speech-language pathologist's license issued by the home state. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(c) The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the investigations. The home state shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

(d) If otherwise permitted by state law, a state may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

(e) The home state may take adverse action based on the factual findings of the remote state, provided that the home state follows its own procedures for taking the adverse action.

(f) Joint Investigations. – In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

(g) If adverse action is taken by the home state against an audiologist's or speech-language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech-language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

(h) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

(i) Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

"§ 93B-24. Establishment of the Audiology and the Speech-Language Pathology Compact Commission.

(a) The Compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission. All of the following apply to the Commission:

(1) The Commission is an instrumentality of the Compact states.

(2) Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, Voting, and Meetings. – The following applies to the Commission:

(1) Each member state shall have two delegates selected by that member state's licensing board. The delegates shall be current members of the licensing

- 1 board. One shall be an audiologist and one shall be a speech-language
2 pathologist.
- 3 (2) An additional five delegates, who are either a public member or board
4 administrator from a state licensing board, shall be chosen by the Executive
5 Committee from a pool of nominees provided by the Commission at-large.
- 6 (3) Any delegate may be removed or suspended from office as provided by the
7 law of the state from which the delegate is appointed.
- 8 (4) The member state board shall fill any vacancy occurring on the Commission,
9 within 90 days.
- 10 (5) Each delegate shall be entitled to one vote about the promulgation of rules and
11 creation of bylaws and shall otherwise have an opportunity to participate in
12 the business and affairs of the Commission.
- 13 (6) A delegate shall vote in person or by other means as provided in the bylaws.
14 The bylaws may provide for delegates' participation in meetings by telephone
15 or other means of communication.
- 16 (7) The Commission shall meet at least once during each calendar year.
17 Additional meetings shall be held as set forth in the bylaws.
- 18 (c) The Commission shall have the following powers and duties:
- 19 (1) Establish the fiscal year of the Commission.
- 20 (2) Establish bylaws.
- 21 (3) Establish a code of ethics.
- 22 (4) Maintain its financial records in accordance with the bylaws.
- 23 (5) Meet and take actions consistent with the provisions of this Compact and the
24 bylaws.
- 25 (6) Promulgate uniform rules to facilitate and coordinate implementation and
26 administration of this Compact. The rules shall have the force and effect of
27 law and shall be binding in all member states.
- 28 (7) Bring and prosecute legal proceedings or actions in the name of the
29 Commission, provided that the standing of any state audiology or
30 speech-language pathology licensing board to sue or be sued under applicable
31 law shall not be affected.
- 32 (8) Purchase and maintain insurance and bonds.
- 33 (9) Borrow, accept, or contract for services of personnel, including, but not
34 limited to, employees of a member state.
- 35 (10) Hire employees, elect or appoint officers, fix compensation, define duties,
36 grant individuals' appropriate authority to carry out the purposes of the
37 Compact, and to establish the Commission's personnel policies and programs
38 relating to conflicts of interest, qualifications of personnel, and other related
39 personnel matters.
- 40 (11) Accept any and all appropriate donations and grants of money, equipment,
41 supplies, materials, and services, and to receive, utilize, and dispose of the
42 same; provided that always the Commission shall avoid any appearance of
43 impropriety and/or conflict of interest.
- 44 (12) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
45 hold, improve, or use, any property, real, personal, or mixed; provided that at
46 all times the Commission shall avoid any appearance of impropriety.
- 47 (13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
48 dispose of any property real, personal, or mixed.
- 49 (14) Establish a budget and make expenditures.
- 50 (15) Borrow money.

- 1 (16) Appoint committees, including standing committees composed of members,
2 and other interested persons as may be designated in this Compact and the
3 bylaws.
- 4 (17) Provide and receive information from, and cooperate with, law enforcement
5 agencies.
- 6 (18) Establish and elect an Executive Committee.
- 7 (19) Perform other functions as may be necessary or appropriate to achieve the
8 purposes of this Compact consistent with the state regulation of audiology and
9 speech-language pathology licensure and practice.
- 10 (d) The Executive Committee. – The Executive Committee shall have the power to act
11 on behalf of the Commission according to the terms of this Compact.
- 12 (1) The Executive Committee shall be composed of 10 members:
- 13 a. Seven voting members who are elected by the Commission from the
14 current membership of the Commission.
- 15 b. Two ex officios, consisting of one nonvoting member from a
16 recognized national audiology professional association and one
17 nonvoting member from a recognized national speech-language
18 pathology association.
- 19 c. One ex officio, nonvoting member from the recognized membership
20 organization of the audiology and speech-language pathology
21 licensing boards.
- 22 The ex officio members shall be selected by their respective organizations.
- 23 (e) The Commission may remove any member of the Executive Committee as provided
24 in bylaws.
- 25 (e1) The Executive Committee shall meet at least annually.
- 26 (e2) The Executive Committee shall have the following duties and responsibilities:
- 27 (1) Recommend to the entire Commission changes to the rules or bylaws, changes
28 to this Compact legislation, fees paid by Compact member states such as
29 annual dues, and any Commission Compact fee charged to licensees for the
30 compact privilege.
- 31 (2) Ensure Compact administration services are appropriately provided,
32 contractual or otherwise.
- 33 (3) Prepare and recommend the budget.
- 34 (4) Maintain financial records on behalf of the Commission.
- 35 (5) Monitor Compact compliance of member states and provide compliance
36 reports to the Commission.
- 37 (6) Establish additional committees as necessary.
- 38 (7) Other duties as provided in rules or bylaws.
- 39 (f) All meetings shall be open to the public, and public notice of meetings shall be given
40 in the same manner as required under the rule-making provisions in G.S. 93B-26.
- 41 (g) The Commission or the Executive Committee or other committees of the Commission
42 may convene in a closed, nonpublic meeting if the Commission or Executive Committee or other
43 committees of the Commission must discuss:
- 44 (1) Noncompliance of a member state with its obligations under the Compact.
- 45 (2) The employment, compensation, discipline or other matters, practices or
46 procedures related to specific employees, or other matters related to the
47 Commission's internal personnel practices and procedures.
- 48 (3) Current, threatened, or reasonably anticipated litigation.
- 49 (4) Negotiation of contracts for the purchase, lease, or sale of goods, services, or
50 real estate.
- 51 (5) Accusing any person of a crime or formally censuring any person.

- (6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.
- (7) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.
- (8) Disclosure of investigative records compiled for law enforcement purposes.
- (9) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact.
- (10) Matters specifically exempted from disclosure by federal or member state statutes.

(h) If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(i) The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

(j) Financing of the Commission. –

- (1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
- (2) The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.
- (3) The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

(k) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

(l) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

(m) Qualified Immunity, Defense, and Indemnification. –

- (1) The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any person from suit or

liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

"§ 93B-25. Data system.

(a) The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

(1) Identifying information.

(2) Licensure data.

(3) Adverse actions against a license or compact privilege.

(4) Nonconfidential information related to alternative program participation.

(5) Any denial of application for licensure, and the reasons for denial.

(6) Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

(c) Investigative information pertaining to a licensee in any member state shall only be available to other member states.

(d) The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

"§ 93B-26. Rule-making.

(a) The Commission shall exercise its rule-making powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

1 (b) If a majority of the legislatures of the member states rejects a rule, by enactment of a
2 statute or resolution in the same manner used to adopt the Compact within four years of the date
3 of adoption of the rule, the rule shall have no further force and effect in any member state.

4 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of
5 the Commission.

6 (d) Prior to promulgation and adoption of a final rule or rules by the Commission, and at
7 least 30 days in advance of the meeting at which the rule shall be considered and voted on, the
8 Commission shall file a Notice of Proposed Rule Making:

9 (1) On the Web site of the Commission or other publicly accessible platform.

10 (2) On the Web site of each member state's audiology or speech-language
11 pathology licensing board or other publicly accessible platform or the
12 publication in which each state would otherwise publish proposed rules.

13 (e) The Notice of Proposed Rule Making shall include:

14 (1) The proposed time, date, and location of the meeting in which the rule shall
15 be considered and voted on.

16 (2) The text of the proposed rule or amendment and the reason for the proposed
17 rule.

18 (3) A request for comments on the proposed rule from any interested person.

19 (4) The manner in which interested persons may submit notice to the Commission
20 of their intention to attend the public hearing and any written comments.

21 (f) Prior to the adoption of a proposed rule, the Commission shall allow persons to submit
22 written data, facts, opinions, and arguments, which shall be made available to the public.

23 (g) The Commission shall grant an opportunity for a public hearing before it adopts a rule
24 or amendment if a hearing is requested by any of the following:

25 (1) At least 25 persons.

26 (2) A state or federal governmental subdivision or agency.

27 (3) An association having at least 25 members.

28 (h) If a hearing is held on the proposed rule or amendment, the Commission shall publish
29 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
30 means, the Commission shall publish the mechanism for access to the electronic hearing.

31 (1) All persons wishing to be heard at the hearing shall notify the executive
32 director of the Commission or other designated member in writing of their
33 desire to appear and testify at the hearing not less than five business days
34 before the scheduled date of the hearing.

35 (2) Hearings shall be conducted in a manner providing each person who wishes
36 to comment, a fair and reasonable opportunity to comment orally or in writing.

37 (3) All hearings shall be recorded. A copy of the recording shall be made available
38 on request.

39 (4) Nothing in this section shall be construed as requiring a separate hearing on
40 each rule. Rules may be grouped for the convenience of the Commission at
41 hearings required by this section.

42 (i) Following the scheduled hearing date, or by the close of business on the scheduled
43 hearing date if the hearing was not held, the Commission shall consider all written and oral
44 comments received. If no written notice of intent to attend the public hearing by interested parties
45 is received, the Commission may proceed with promulgation of the proposed rule without a
46 public hearing. The Commission shall, by majority vote of all members, take final action on the
47 proposed rule and shall determine the effective date of the rule, if any, based on the rule-making
48 record and the full text of the rule.

49 (j) Upon determination that an emergency exists, the Commission may consider and
50 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that
51 the usual rule-making procedures provided in the Compact and in this section shall be

retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare.
- (2) Prevent a loss of Commission or member state funds.
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(k) The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the Web site of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

"§ 93B-27. Oversight, dispute resolution, and enforcement.

(a) Dispute Resolution. – Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states, and between member and nonmember states. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(b) Enforcement. – The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

"§ 93B-28. Date of implementation of Compact and associated rules, withdrawal, and amendment.

(a) The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rule-making powers necessary to the implementation and administration of the Compact.

(b) Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

(c) Any member state may withdraw from this Compact by enacting a statute repealing the same.

- (1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.
- (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this Compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement

1 between a member state and a nonmember state that does not conflict with the provisions of this
2 Compact.

3 (e) This Compact may be amended by the member states. No amendment to this Compact
4 shall become effective and binding upon any member state until it is enacted into the laws of all
5 member states.

6 **"§ 93B-29. Construction and severability.**

7 This Compact shall be liberally construed to effectuate the purposes thereof. The provisions
8 of this Compact shall be severable and if any phrase, clause, sentence, or provision of this
9 Compact is declared to be contrary to the constitution of any member state or of the United States
10 or the applicability thereof to any government, agency, person, or circumstance is held invalid,
11 the validity of the remainder of this Compact and the applicability thereof to any government,
12 agency, person, or circumstance shall not be affected thereby. If this Compact shall be held
13 contrary to the constitution of any member state, the Compact shall remain in full force and effect
14 as to the remaining member states and in full force and effect as to the member state affected as
15 to all severable matters.

16 **"§ 93B-30. Binding effect of Compact on other laws.**

17 (a) Nothing herein prevents the enforcement of any other law of a member state that is
18 not inconsistent with the Compact.

19 (b) All laws in a member state in conflict with the Compact are superseded to the extent
20 of the conflict.

21 (c) All lawful actions of the Commission, including all rules and bylaws promulgated by
22 the Commission, are binding upon the member states.

23 (d) All agreements between the Commission and the member states are binding in
24 accordance with their terms.

25 (e) In the event any provision of the Compact exceeds the constitutional limits imposed
26 on the legislature of any member state, the provision shall be ineffective to the extent of the
27 conflict with the constitutional provision in question in that member state."

28 **PART III. CONTINGENCY LANGUAGE AND EFFECTIVE DATES**

29 **SECTION 5.** If House Bill 1053, 2020 Regular Session, becomes law, then Sections
30 2 and 3 of that act are repealed, and Section 5, as enacted by that act, reads as rewritten:

31 **"SECTION .** Part I of this act becomes effective December 1, 2020, and applies to
32 applications for licensure received on or after that date. Section 4 of this act becomes effective
33 only when 10 states have adopted the Audiology and Speech-Language Interstate Compact, as
34 set forth in the Compact. Section 5 of this act is effective when it becomes law."

35 **SECTION 6.** Part I of this act becomes effective December 1, 2020, and applies to
36 applications for licensure received on or after that date. Part II of this act becomes effective only
37 when 10 states have adopted the Interstate Compact for Audiology and Speech-Language, as set
38 forth in the Compact. Part III of this act is effective when it becomes law.



SENATE BILL 717: PED/Military Occupational Licensure.

2019-2020 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 16, 2020
Introduced by:	Sens. Bryan, Wells, D. Davis	Prepared by:	Jennifer Bedford
Analysis of:	PCS to Third Edition S717-CSTT-53		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute for Senate Bill 717 would implement recommendations from the Program Evaluation Division regarding ways to improve the occupational licensing process for military-trained applicants and military spouses; and make North Carolina a member of the Interstate Compact for Audiology and Speech-Language Pathology.*

[As introduced, this bill was identical to H1053, as introduced by Reps. Horn, Lucas, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: G.S. 93B-15.1 provides occupational licensure for military-trained applicants and military spouses.

PART I BACKGROUND: S.L. 2019-201 directed the Program Evaluation Division (PED), in consultation with the Department of Military and Veterans Affairs, to study how the occupational licensing statute (G.S. 93B-15.1) had improved the ability for military-trained applicants and military spouses to obtain occupational licenses in North Carolina. PED made the following recommendations:

1. The expedited timeline for military trained applicants should also be offered to military spouses.
2. The law should be better promoted and publicized.
3. The boards should report the numbers of these applications and results, to the General Assembly.

The entire report can be found here:

https://www.ncleg.net/PED/Reports/documents/Military_Licensure/Military_Licensure_Report.pdf

BILL ANALYSIS: Section 1 divides Chapter 93B into Articles.

Section 2 does the following:

- Expands expedited licensing requirements from "occupation licensing boards" to include a newly defined term, "State agency licensing board."
- Maintains the current 30 day timeline for a board to notify a military-trained applicant of a denial.
- Expressly requires a board to either license a military-trained applicant or notify the military-trained applicant of a denial.
- Requires the board to notify the military-trained applicant no later than 7 business days after receiving written notice of the disposition of a pending complaint.
- Creates a 30 day timeline for a board to either license a military spouse or notify the military spouse of a denial.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Senate PCS 717

Page 2

- Requires the board to notify the military spouse no later than 7 business days after receiving written notice of the disposition of a pending complaint.

Section 3 does the following:

- Directs the Department of Military and Veterans Affairs to publish information online regarding North Carolina's expedited licensing opportunities for military-trained applicants and military spouses.
- Creates reporting requirements for licensing boards in order to monitor the expedited licensing opportunities for military-trained applicants and military spouses.

PART II BACKGROUND: The Interstate Compact for Audiology and Speech-Language Pathology is a regulatory contract between participating states to recognize multistate occupational licensure. The Compact would only become effective once 10 states adopt it. As of March 2020, three states had ratified the Compact. It appears four more states including North Carolina, have introduced Compact legislation.

CURRENT LAW: **G.S. 90-295** provides the educational, experiential, and personal requirements for licensure by the North Carolina Board of Examiners for Speech-Language Pathologists and Audiologists (the Board.) An examination is required.

G.S. 90-296 waives the examination requirement for licensure by the Board if the applicant holds a certificate from the American Speech-Hearing-Language Association, or the person has met the licensure requirements of another jurisdiction with equivalent or greater requirements for the practice of audiology or speech pathology.

Section 4 does the following:

- Adds a new Article to Chapter 93B, the Interstate Compact for Audiology and Speech-Language Pathology.
- Makes technical changes within the Compact to conform to North Carolina legislative drafting conventions.

The Compact would:

- Create a multistate licensing program for member states.
- Share information between member states.
- Facilitate multistate licensure for active duty military personnel and military spouses.
- Create a national Commission with rule-making authority.
- Require the Compact to be adopted by at least 10 member states, in order to take effect.

PART III BACKGROUND:

Senate Bill 717's companion bill, House Bill 1053, was voted out of the House June 10, 2020. Currently, there are policy discrepancies. If both bills were enacted, there would be inconsistent provisions within G.S. 93B-15.1.

Section 5 adds a contingency provision that would eliminate any conflicts in Part I, in the event both House Bill 1053 and Senate Bill 717 become law.

EFFECTIVE DATE: Part I of this act becomes effective December 1, 2020, and applies to applications for licensure received on or after that date. Part II of this act becomes effective only when 10 states have adopted the Audiology and Speech-Language Interstate Compact, as set forth in the Compact. Part III of this act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 717*

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S717-ABH-47 [v.4]

Page 1 of 1

Amends Title [NO]
Third Edition

Date June 16 .2020

Rep. George Cleveland

- 1 moves to amend the bill on page 4, line 15, by rewriting the line to read:
2
3 "from charging actual costs for a service such as a background check.
4 (1) The issuance or notification time periods required under subsections (a1), (b1), and
5 (f) of this section shall be tolled for an occupational licensing board or State agency licensing
6 board that requires an applicant submit to a criminal history record check. The tolling period
7 shall begin on the date the board forwards all necessary fingerprints or other identifying
8 information required by the State or National Repositories to a third party for a criminal history
9 record check. The tolling period shall end once the board receives the completed criminal
10 history record check from the third party."

SIGNED *George Cleveland*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____



* S 7 1 7 - A B H - 4 7 - V - 4 *

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Homeland Security, Military & Affairs

DATE: 6/16/2020

Room: 425 LOB

House Sgt-At Arms:

1. **Name:** Warren Hawkins

2. **Name:** Malachi McCullough, Jr

3. **Name:** Tom Terry

4. **Name:** _____

5. **Name:** _____

Senate Sgt-At Arms:

1. **Name:** _____

2. **Name:** _____

3. **Name:** _____

4. **Name:** _____

5. **Name:** _____

VISITOR REGISTRATION SHEET

House Committee on Homeland Security, Military & Affairs

6/16/20

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Cassidy Robertson

AMG

Jeri Graham

MO AA

Soln:

SGS

Catherine Moore

NC Board of Nursing

Tim Horne

PEID

Tony Graham

Nc BON

