

2011

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

MINUTES

NORTH CAROLINA GENERAL ASSEMBLY

**Homeland Security, Military & Veteran's Affairs
2011-2012 SESSION**



**Representative
Ric Killian
Chair**



**Representative
George Cleveland
Chair**



**Representative
John Blust
Vice Chair**



**Representative
Grier Martin
Vice Chair**



**Representative
John Torbett
Vice Chair**



**Representative
Jeff Barnhart**



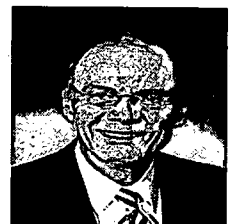
**Representative
Larry Bell**

**Picture
Unavailable**

**Representative
Glen Bradley**



**Representative
Elmer Floyd**



**Representative
Ken Goodman**

NORTH CAROLINA GENERAL ASSEMBLY

**Homeland Security, Military & Veteran's Affairs
2011-2012 SESSION**



**Representative
Mark Hollo**



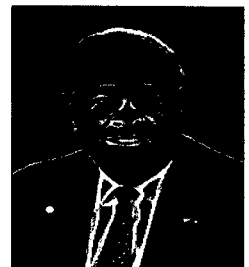
**Representative
Craig Horn**



**Representative
Dianne Parfitt**



**Representative
Ray Rapp**



**Representative
Efton Sager**



**Representative
Norman Sanderson**



**Representative
William Wainright**

Name

Name

Name

Name

Name

**HOUSE COMMITTEE ON HOMELAND SECURITY MILITARY &
VETERAN'S AFFAIRS**

[illegible]

Homeland Security, Military and Veterans Affairs Committee

MINUTES

February 24, 2011

The following members were present: Representatives Killian, Cleveland, Blust, Martin, Torbett, Bell, Bradley, Floyd, Goodman, Hollo, Horn, Parfitt, Rapp, Sager, and Sanderson.

Representative Killian, the presiding chair, called the meeting to order at 12:00pm and instructed the committee to silence all cell phones. Representative Killian introduced the Sergeant at Arms, Pages, and Staff members.

Representative Killian then introduced himself and gave a brief biography of his military experience and connection to the "Homeland Security, Military and Veterans Affairs Committee." Representative Killian shared his Active Army Infantry history: 1986 – 1991, and his reserve duty: 1991 – present. He then detailed his recent military operation history. Representative Killian explained his vision to facilitate legislation in the committee and in so, protecting citizens, support military and Nation Guard, and supporting the veterans. Representative Killian encouraged the member to participate in vigorous, engaging but civil debate and discourse through the session. Representative Killian then asked members to speak briefly on their military background, starting with Rep. Cleveland and the vice chairs, then alphabetically through the rest of the members.

Representative Cleveland was recognized to speak. Representative Cleveland shared his 25 year Marine history, 8 years teaching, retirement and transfer into politics.

Representative Killian then recognized Representative Martin to speak. Representative Martin informed the members that he is still serving in the United States Army. Representative Martin told the committee that he served in Afghanistan and spent five years at Fort Bragg.

Representative Killian then recognized Representative Torbett. Representative told the committee he is the son of a WWII veteran, applied to the Air Force and was not admitted based on his height. Representative Torbett is currently a contractor for the Department of Defense.

Representative Killian then recognized Representative Blust to speak. Representative Blust informed the members that he served five years as a Captain in Field Artillery and eighteen months with the 82nd Airborne.

Representative Killian then recognized Representative Bell to speak. Representative Bell shared his experience teaching for thirty-six years, his ROTC and NC A&T experience.

Representative Killian then recognized Representative Bradley to speak. Representative Bradley informed the members that he served four years in the US Marines, on the intelligence side.

Representative Killian then recognized Representative Floyd to speak. Representative Floyd told the members about his Army history; he was stationed in Paris, France. Representative Floyd also reminded the group that he represents the Ft. Bragg area.

Representative Killian then recognized Representative Goodman to speak. Representative Goodman shared that he joined the Army Reserves, was enlisted for six years, and had ties at Ft. Bragg.

Representative Killian then recognized Representative Hollo to speak. Representative Hollo told the members that he had ties to Alexander, the National Guard, and was stationed at Pope Air Force Base.

Representative Killian then recognized Representative Horn to speak. Representative Horn shared that he served in the Air Force from 1962-1969.

Representative Killian then recognized Representative Parfitt to speak. Representative Parfitt told the committee she represented the 44th District, was a leader of the Military Medical Wives group, has a husband in the Navy, and a father who was wounded in battle.

Representative Killian then recognized Representative Rapp to speak. Representative Rapp told the members he has family military ties and helped with military police units.

Representative Killian then recognized Representative Parfitt to speak. Representative Parfitt reminded the members that March 9th will be Kidney day, and a booth will be set up. She is working on legislation that would make next month kidney month.

Representative Killian then recognized Representative Sager to speak. Representative Sager told the members, he served in Korea and Vietnam, and Represents Wayne County.

Representative Killian then recognized Representative Sanderson to speak. Representative Sanderson told the members his district has a lot of Marine families and has personal business ties with military families.

Representative Killian spoke on the common bond military personnel have and gave the opportunity for Hal Pell to share that he has family ties, was OCS trained, served active duty in the Army and was a reservist for 22 years.

Representative Killian recognized Tim Hovis to share that his father was in WWII.

Representative Killian introduced Committee Clerks Jan Copeland and Bradley Trahan and reminded members of the rules. Representative Killian motioned to adopt House Proposed Committee Substitute 14, and recognized Representative Cleveland to explain the bill.

Representative Cleveland explained a brief history of the bill and summarized the bill. The chair recognized Representative Martin to speak on the bill. Representative Martin informed the members he was pleased to sponsor the bill.

The chair recognized Representative Bradley for a question on the bill. Representative Bradley thanked the chair and asked if the cost was determined. Representative Cleveland informed Representative Bradley it was 50,000 dollars. The Chair recognized Representative Bradley for a follow-up. Representative Bradley asked if tourism to the sight would increase taxes.

The chair recognized Representative Blust to speak. Representative Blust supported the bill. The chair recognized Representative Horn to ask a question. Representative Horn asked who designed the signs. Representative Cleveland responded that the DOT designed the signs and there were 8 or 9 signs. The chair spoke in favor of the PCS.

Representative Floyd recommended a favorable motion and move to the floor, motion carried by unanimous verbal vote.

The meeting was adjourned at 12:45pm.

Representative Ric Killian

Chairman



Bradley Trahan

Committee Assistant

Homeland Security Military & Veterans Affairs

February 24, 2011

12:00 pm

Room 1425 LB

Agenda

Chairs:	Representative Ric Killian	Representative George Cleveland
Vice Chairs:	Representative John Blust	Representative Grier Martin
	Representative John Torbett	

- **Call to Order**
- **Opening Remarks**
- **Introductions (Sergeant at Arms, Pages, Members, Staff)**
- **House Bill 14**

Committee Chair Agenda

1. Call Meeting to Order
 - a. Members and Guests take seats
 - b. Welcome
2. Announcements
 - a. Sergeant At Arms
 - b. Pages
 - c. Protocol
3. Opening Remarks
 - a. Chairman
 - i. Military Background
 1. Active Army (Infantry); 1986 – 1991
 2. Reserve; 1991 – Present
 - a. LTC(P), USAR
 - b. Operation Noble Eagle – 2001
 - c. Operation Iraqi Freedom – 2009-2010
 - ii. Vision is to facilitate legislation
 1. Protects citizens
 2. Supports military, National Guard
 3. Supports Veterans
 - iii. Expectations
 1. Vigorous, engaging, but civil discourse
 - b. Co-Chairman
 - i. Rep. Cleveland
 - c. Vice-Chairman
 - i. Rep. Blust
 - ii. Rep. Martin
 - iii. Rep. Torbett
 - d. Members
4. Presentations
5. Bills - H14
6. Closing Remarks
7. Adjournment



HOUSE PCS 14: Vietnam Veterans and Beirut Memorial Signs

2011-2012 General Assembly

Committee:	House Military and Homeland Security, if favorable, Appropriations Subcommittee on Transportation	Date:	February 23, 2011
Introduced by:	Reps. Cleveland, Shepard	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H14-CSMD-1		Committee Counsel

SUMMARY: *This act requires the Department of Transportation to expend funds for new signage on designated highways. This act becomes effective July 1, 2011.*

BILL ANALYSIS: This act requires the Department of Transportation to spend up to \$50,000 from its appropriated funds to place new signs along the highways designated in the bill. The signs would be new signs to replace old signs for the Vietnam Veterans Memorial, the Beirut Memorial, and the Coastal Carolina State Veterans Cemetery; new signage would include listing all memorials on one sign.

EFFECTIVE DATE: This act becomes effective July 1, 2011.

H14-SMRK-18(CSMD-1) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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**HOUSE BILL 14*
PROPOSED COMMITTEE SUBSTITUTE H14-PCS80038-MD-1**

Short Title: Vietnam Veterans and Beirut Memorial Signs.

(Public)

Sponsors:

Referred to:

January 31, 2011

A BILL TO BE ENTITLED

**AN ACT TO REQUIRE SIGNAGE DIRECTING TRAFFIC TO THE VIETNAM
VETERANS MEMORIAL, THE BEIRUT MEMORIAL, AND THE COASTAL
CAROLINA STATE VETERANS CEMETERY.**

The General Assembly of North Carolina enacts:

SECTION 1. Of funds appropriated to the Department of Transportation from the Highway Fund for fiscal year 2011-2012, the Department shall expend up to the sum of fifty thousand dollars (\$50,000) for new signs located along NC Highway 24 and U.S. Highway 17 Bypass and Business routes and Western Boulevard in Jacksonville, Onslow County, for the Vietnam Veterans Memorial, the Beirut Memorial, and the Coastal Carolina State Veterans Cemetery that replace old signs and add new signage, listing all memorials on one sign, at each of the various locations the signs currently appear along NC Highway 24 and U.S. Highway 17 Bypass and Business routes and Western Boulevard in Jacksonville, Onslow County.

SECTION 2. This act becomes effective July 1, 2011.



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2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative Killian (Chair) for the Committee on HOMELAND SECURITY, MILITARY,
AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 14 A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SIGNAGE
DIRECTING TRAFFIC TO THE VIETNAM VETERANS MEMORIAL, THE BEIRUT MEMORIAL,
AND THE COASTAL CAROLINA STATE VETERANS CEMETERY.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to
the original bill, and recommendation that the committee substitute bill be re-referred to the Committee
on APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed
on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)
resolution No. _____) is placed on the Unfavorable Calendar.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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By Representative Killian (Chair) for the Committee on HOMELAND SECURITY, MILITARY,
AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 14 A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SIGNAGE
DIRECTING TRAFFIC TO THE VIETNAM VETERANS MEMORIAL, THE BEIRUT MEMORIAL,
AND THE COASTAL CAROLINA STATE VETERANS CEMETERY.

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(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed
on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)
resolution No. _____) is placed on the Unfavorable Calendar.

PUBLIC BILL

H.B. 0014

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR SIGNAGE DIRECTING TRAFFIC TO THE VIETNAM VETERANS MEMORIAL, THE BEIRUT MEMORIAL, AND THE COASTAL CAROLINA STATE VETERANS CEMETERY.

Introduced by Representative(s) Cleveland Phillip Shepard (Primary Sponsors).

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

ISSUED 1st READING
JAN 31 2011
AND REFERRED TO COMMITTEE
ON Militancy

meland security
favorable
PROPRIATIONS sub on
Transportation

2 B stricken

Committee Sergeants at Arms

NAME OF COMMITTEE Military & Homeland Security

DATE: 2.24.2011 Room: 1425

House Sgt-At Arms:

1. Name: Carlton Adams

2. Name: Bill Bass

3. Name: Champ Claris

4. Name: _____

5. Name: _____

Senate Sgt-At Arms:

1. Name: _____

2. Name: _____

3. Name: _____

4. Name: _____

5. Name: _____

HOUSE PAGES

NAME OF COMMITTEE Military & Homeland Security DATE 2.24.20V

1. Name: Hannah Brockman

County: Gaston

Sponsor: William Current

2. Name: Lucas Kvenitsky

County: Orange

Sponsor: Till's

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

VISITOR REGISTRATION SHEET

Homeland Security Military & Veteran's Affairs

Name of Committee

2.24.2011

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**

Barbara Hollo

Wife Rep. Mark Nollo

Glenn Batten

VSO NCJVA

Wayne Peedin

NCDVA

Christy Agner

DOA

Thomas C. Caves, Jr.

NC Dept. of Crime Control & Public Safety

Homeland Security, Military and Veterans Affairs Committee

MINUTES

March 17, 2011

The following members were present: Representatives Killian, Cleveland, Blust, Torbett, Blust, Martin,

At 12:00 Representative Cleveland called the meeting to order and welcomed members to the second meeting of the Homeland Security, Military, and Veterans Affairs Committee.

Representative Cleveland introduced the Sergeant at Arms and the pages. He recognized one page from Forsyth County and a Page from Wake County. Representative Cleveland introduced the one bill on the calendar, House Bill 172.

Representative Cleveland recognized Representative Killian to present the bill. Representative Killian explained that the bill passed in 2009, going through Homeland Security, Military and Veterans Affairs Committee and Government. Also, passing the House before being stalled in the Senate. He explained that this bill includes veterans as applicable for status for State Contractors. This includes DOD contracts.

Representative Killian asked staff to go over the bill. Tim Hovis went over the bill. Tim explained that this bill adds military to the existing list, the next section defines the term veteran contractor, and page three discusses the verifiable 10 percent goal to use veteran contractors. Tim also explained that the bill discussed how the bill explains how to record and explain issues of veteran businesses. He continues that the bill defines more definitions including the requirement for lowest bid.

Representative Cleveland recognizes Representative Rapp for a question. Representative Rapp asked the requirement for local governments and if the league of municipalities had an opinion on the bill.

Representative Cleveland recognized Representative Wainwright for a question. Representative Wainwright asked about a report of evidence regarding discrimination. He asked whether or not veterans fit into the category of under privileged workers. He asked if there was a report. Tim Hovis reported that he was not aware of a report.

Representative Wainwright was recognized for a follow up. Representative Wainwright asked if staff would check on a report, if it was previously done. Tim Hovis said he would.

Representative Cleveland recognized Representative Martin for a statement. Representative Martin said he supported the bill, and stated that it is a good bill and that it allows our state to

compete for federal funds for veterans. He said this bill nurtures veteran businesses that are able to compete for federal funds.

Representative Cleveland recognized Representative Floyd for a question. Representative Floyd said he supported the bill and asked if it was housed in the DOA. Representative Killian said that according to line 29, that it does.

Representative Floyd was recognized for a follow up. He said that we are losing staff in General Government and increasing their workload. Representative Killian said he talked with people last session but he is not sure as of this date. Representative Floyd stated that he would like to hear comments from the DOA.

Christy Adler from the DOA was recognized. She stated that she would willingly answer any questions. Representative Cleveland recognized her to answer Representative Floyd's question.

Christy Adler said she supported the bill but was not sure on a potential fiscal impact on her department. specifically, regarding technology and the potential workload increase.

Representative Floyd said that he supported the bill because of the Military Business Center and the funding that he supports.

Representative Blust was recognized for a question. Representative Blust asked what is an historically underutilized business. Christly Adler was recognized to answer the question. Christy Adler said that is consists of 51% of the business consisted of minority, woman, or disability.

Representative Blust was recognized to ask what a verifiable goal is. Representative Killian stated that it includes reporting requirements. He continued to state that the bill is about a goal, not a quota. Representative Blust was recognized for a follow up and asked what if the goal was not met. Representative Killian stated that what really matters is that there is a goal, not whether or not they're met. Tim Hovis mentioned that all the language follows the same language for minority businesses.

Representative Cleveland recognized Representative Rapp for a question. Representative Rapp asked if the League of Municipalities was present. Representative Cleveland said they were.

Representative Cleveland then recognized Dave Simpson from the ASG to speak. Dave Simpson informed the committee that he saw trouble with the bill and asked what about a disparity study, regarding veterans. He stated that he didn't see a problem with the status quo and that this bill was about paperwork, not jobs. He believes a study would find that a military rates were already above 10 percent. He believes the legislation is a solution without a problem. Representative Blust was recognized to ask a question.

Representative Blust asked if these objections held true with the other groups. Dave Simpson said they did a study for the minority parties.

Representative Floyd was recognized to speak. Representative Floyd discussed the idea of a good faith effort. He said that you set aside 10 percent if you can find the Veteran bids. He did not see a problem with the term "good faith" effort. Dave gave a final statement regarding the lack of businesses in the field, and this is just another layer of bureaucracy.

Representative Cleveland then recognized Mark Hall to speak on the bill. Mark was with the converged services for NC Veteran Businesses. He said that he supported the bill and it backed up the military center. He also pointed to the strengthening of the Governor's "I Hire Vets Plan." He continued to say that there is no additional work, to verify vets is as simple as going online. He said the bill keeps Veterans in the State and gives Veterans ample opportunities to succeed.

Henry James was then recognized. He discussed his problems with p.3 about documentation required to justify the bid. He was also concerned with the language that discusses affidavits and good faith efforts. He believes the biggest problem is finding work, not paperwork.

Representative Cleveland recognized Paul Meyers to speak. Paul is from the League of Municipals. He said his group neither supports nor opposes the bill. He said he had talked with Representative Killian in the past about the bill and wanted to make sure they would have state resources if necessary.

Frank Stanza was then recognized to speak. He supported the bill, talked about the role of Veteran businesses, and said that this bill enhances federal efforts to support the veterans of NC.

Representative Bradley was then recognized to speak on the bill. He mentioned that this bill may hurt contractors, and asked if we are already over the goal already. But, also said that this bill is not going to be adding more paper, simply just more ink. Representative Floyd made a motion vote on the bill to be sent to Government. Representative Cleveland called the vote, with a unanimous decision the bill was sent to Government and the meeting was adjourned.



Committee Chair

Representative George Cleveland



Committee Assistant

Bradley C. Trahan

Homeland Security, Military, & Veterans Affairs

March 17, 2011

12:00 pm

Room 1425 LB

Agenda

Chairs: Representative Ric Killian

Representative George Cleveland

Vice Chairs: Representative John Blust

Representative Grier Martin

Representative John Torbett

- Call to Order
- Opening Remarks
- Introductions (Sergeant at Arms, Pages, Staff)
- House Bill 172

PUBLIC BILL

H.B. 0172

SESSION LAW _____

A BILL TO BE ENTITLED

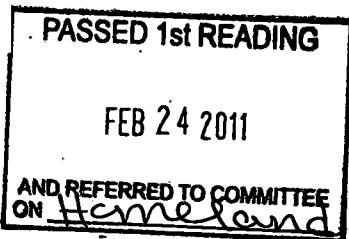
AN ACT TO ENCOURAGE STATE AND LOCAL GOVERNMENT TO USE MILITARY VETERAN CONTRACTORS.

Introduced by Representative(s): ^{POC} Killian.

I. Aayforn Horn
McElraft (Primary Sponsors)

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 172

1

Short Title: Encourage Military Veteran Contractor Use. (Public)

Sponsors: Representatives Killian, McElraft, and Horn (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Government.

February 24, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE STATE AND LOCAL GOVERNMENT TO USE MILITARY
3 VETERAN CONTRACTORS.

4 The General Assembly of North Carolina enacts:

5
6 PART I. CREATE MILITARY VETERAN BUSINESS PARTICIPATION GOALS FOR
7 PUBLIC CONTRACTS

8
9 SECTION 1.(a) G.S. 143-48 reads as rewritten:

10 "§ 143-48. State policy; cooperation in promoting the use of small contractors, minority
11 contractors, physically handicapped ~~contractors, and women contractors;~~
12 contractors, women contractors, and military veteran contractors; purpose;
13 required annual reports.

14 (a) Policy. – It is the policy of this State to encourage and promote the use of small
15 contractors, minority contractors, physically handicapped ~~contractors, and women contractors~~
16 contractors, women contractors, and military veteran contractors in State purchasing of goods
17 and services. All State agencies, institutions and political subdivisions shall cooperate with the
18 Department of Administration and all other State agencies, institutions and political
19 subdivisions in efforts to encourage the use of small contractors, minority contractors,
20 physically handicapped ~~contractors, and women contractors~~ contractors, women contractors,
21 and military veteran contractors in achieving the purpose of this Article, which is to provide for
22 the effective and economical acquisition, management and disposition of goods and services by
23 and through the Department of Administration.

24 (b) Reporting. – Every governmental entity required by statute to use the services of the
25 Department of Administration in the purchase of goods and services, every local school
26 administrative unit, and every private, nonprofit corporation other than an institution of higher
27 education or a hospital that receives an appropriation of five hundred thousand dollars
28 (\$500,000) or more during a fiscal year from the General Assembly shall report to the
29 ~~department~~ Department of Administration annually on what percentage of its contract
30 purchases of goods and services, through term contracts and open-market contracts, were from
31 minority-owned businesses, what percentage from female-owned businesses, what percentage
32 from disabled-owned businesses, what percentage from disabled business ~~enterprises and~~
33 enterprises, what percentage from nonprofit work centers for the blind and the severely
34 ~~disabled, disabled,~~ and what percentage from military veteran contractors. The same
35 governmental entities shall include in their reports what percentages of the contract bids for

1 such purchases were from such businesses. The Department of Administration shall provide
2 instructions to the reporting entities concerning the manner of reporting and the definitions of
3 the businesses referred to in this act, provided that, for the purposes of this act:

4 (1) Except as provided in ~~subdivision (1a)~~ subdivisions (1a) through (4) of this
5 subsection, a business in one of the categories above means one:

6 a. In which at least fifty-one percent (51%) of the business, or of the
7 stock in the case of a corporation, is owned by one or more persons
8 in the category; and

9 b. Of which the management and daily business operations are
10 controlled by one or more persons in the category who own it.

11 (1a) A "disabled business enterprise" means a nonprofit entity whose main
12 purpose is to provide ongoing habilitation, rehabilitation, independent living,
13 and competitive employment for persons who are handicapped through
14 supported employment sites or business operated to provide training and
15 employment and competitive wages.

16 (1b) A "nonprofit work center for the blind and the severely disabled" means an
17 agency:

18 a. Organized under the laws of the United States or this State, operated
19 in the interest of the blind and the severely disabled, the net income
20 of which agency does not inure in whole or in part to the benefit of
21 any shareholder or other individual;

22 b. In compliance with any applicable health and safety standard
23 prescribed by the United States Secretary of Labor; and

24 c. In the production of all commodities or provision of services,
25 employs during the current fiscal year severely handicapped
26 individuals for (i) a minimum of seventy-five percent (75%) of the
27 hours of direct labor required for the production of commodities or
28 provision of services, or (ii) in accordance with the percentage of
29 direct labor required under the terms and conditions of Public Law
30 92-28 (41 U.S.C. § 46, et seq.) for the production of commodities or
31 provision of services, whichever is less.

32 (2) A female or a disabled person is not a minority, unless the female or
33 disabled person is also a member of one of the minority groups described in
34 G.S. 143-128(2)a. through d.

35 (3) A disabled person means a person with a handicapping condition as defined
36 in G.S. 168-1 or G.S. 168A-3.

37 (4) A veteran contractor is a contractor that is a military veteran or a veteran
38 business, as those terms are defined in G.S. 143-128.5(f).

39 (c) The Department of Administration shall compile information on small and
40 medium-sized business participation in State contracts subject to this Article and report the
41 information as provided in subsection (d) of this section. The report shall analyze (i) contract
42 awards by business size category, (ii) historical trends in small and medium-sized business
43 participation in these contracts, and (iii) to the extent feasible, participation by small and
44 medium-sized businesses in the State procurement process as dealers, service companies, and
45 other indirect forms of participation. The Department may require reports on contracting by
46 business size in the same manner as reports are required under subsection (b) of this section.

47 (d) The Department of Administration shall collect and compile the data described in
48 this section and report it annually to the General Assembly.

49 (d1) Repealed by Session Laws 2007-392, s. 1, effective October 1, 2007.

50 (e) In seeking contracts with the State, a disabled business enterprise must provide
51 assurances to the Secretary of Administration that the payments that would be received from

the State under these contracts are directed to the training and employment of and payment of competitive wages to handicapped employees."

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

"§ 143-128.5. Military veteran business participation goals.

(a) The State shall have a verifiable ten percent (10%) goal for participation by military veteran businesses in the total value of work for each State building project, including building projects done by a private entity on a facility to be leased or purchased by the State. A local government unit or other public or private entity that receives State appropriations for a building project or other State grant funds for a building project, including a building project done by a private entity on a facility to be leased or purchased by the local government unit, where the project cost is one hundred thousand dollars (\$100,000) or more, shall have a verifiable ten percent (10%) goal for participation by veteran businesses in the total value of the work.

Each city, county, or other local public entity shall adopt, after a notice and public hearing, an appropriate verifiable percentage goal for participation by veteran businesses in the total value of work for building projects.

Each entity required to have verifiable percentage goals under this subsection shall make a good faith effort to recruit veteran participation in accordance with this section or G.S. 143-131(c), as applicable.

(b) A public entity shall establish prior to solicitation of bids the good faith efforts that it will take to make it feasible for veteran businesses to submit successful bids or proposals for the contracts for building projects. Public entities shall make good faith efforts as set forth in subsection (e) of this section. Public entities shall require contractors to make good faith efforts to meet the veteran business participation goal established in subsection (a) of this section. Each first-tier subcontractor on a construction management at-risk project shall comply with the requirements applicable to contractors under this subsection.

(c) Each bidder, which shall mean first-tier subcontractor for construction manager at-risk projects for purposes of this subsection, on a project bid under any of the methods authorized under G.S. 143-128(a1) shall identify on its bid the veteran businesses that it will use on the project and an affidavit listing the good faith efforts it has made pursuant to subsection (b) of this section and the total dollar value of the bid that will be performed by the veteran businesses. A contractor, including a first-tier subcontractor on a construction manager at-risk project, that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection. The apparent lowest responsible, responsive bidder shall also file the following:

(1) Within the time specified in the bid documents, either:

- a. An affidavit that includes a description of the portion of work to be executed by veteran businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal. An affidavit under this sub-subdivision shall give rise to a presumption that the bidder has made the required good faith effort; or
- b. Documentation of its good faith effort to meet the goal. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of veteran businesses for participation in the contract.

(2) Within 30 days after award of the contract, a list of all identified subcontractors that the contractor will use on the project.

Failure to file a required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.

1 (d) No subcontractor who is identified and listed pursuant to subsection (c) of this
2 section may be replaced with a different subcontractor except:

3 (1) If the subcontractor's bid is later determined by the contractor or
4 construction manager at risk to be nonresponsive or nonresponsive, or the
5 listed subcontractor refuses to enter into a contract for the complete
6 performance of the bid work, or

7 (2) With the approval of the public entity for good cause.

8 Good faith efforts as set forth in G.S. 143-131(c) shall apply to the selection of a substitute
9 subcontractor. Prior to substituting a subcontractor, the contractor shall identify the substitute
10 subcontractor and inform the public entity of its good faith efforts pursuant to G.S. 143-131(c).

11 (e) Before awarding a contract, a public entity shall do the following:

12 (1) Develop and implement a veteran business participation outreach plan to
13 identify veteran businesses that can perform public building projects and
14 implement outreach efforts to encourage veteran business participation in
15 these projects to include education, recruitment, and interaction between
16 veteran businesses and nonveteran businesses.

17 (2) Attend the scheduled prebid conference.

18 (3) Utilize other media, as appropriate, likely to inform potential veteran
19 businesses of the bid being sought.

20 (f) As used in this section:

21 (1) The term 'veteran business' means a business:

22 a. In which at least fifty-one percent (51%) is owned by one or more
23 military veterans, or in the case of a corporation, in which at least
24 fifty-one percent (51%) of the stock is owned by one or more
25 military veterans; and

26 b. Of which the management and daily business operations are
27 controlled by one or more of the military veterans who own it.

28 (2) The term 'military veteran' means a person who is a citizen or lawful
29 permanent resident of the United States and who either:

30 a. Served in the Armed Forces of the United States or the North
31 Carolina National Guard for a minimum of 180 days but has since
32 been discharged or released.

33 b. Is or was a member of the reserve components of the Armed Forces,
34 as that term is defined in 10 U.S.C. § 10101, who was placed on
35 active federal service status for 180 days or more.

36 However, this term includes only persons described in subdivisions (1) and
37 (2) of this section who, if discharged or released from service, were
38 discharged or released with an honorable discharge or a general discharge
39 under honorable conditions.

40 (g) Nothing in this section shall be construed to require contractors or awarding
41 authorities to award contracts or subcontracts to or to make purchases of materials or
42 equipment from veteran business contractors or veteran business subcontractors who do not
43 submit the lowest responsible, responsive bid or bids.

44 (h) Notwithstanding G.S. 132-3 and G.S. 121-5, all public records created pursuant to
45 this section shall be maintained by the public entity for a period of not less than three years
46 from the date of the completion of the building project.

47 (i) Except as provided in subsections (a), (f), (g), and (h) of this section, this section
48 shall only apply to building projects costing three hundred thousand dollars (\$300,000) or
49 more. This section shall not apply to the purchase and erection of prefabricated or relocatable
50 buildings or portions thereof, except that portion of the work that must be performed at the
51 construction site.

(j) Each public or private entity that is subject to this section shall report annually to the Department of Administration on its compliance with the requirements of this section. The Department of Administration shall provide instructions to the reporting entities concerning the manner and date of reporting. The Secretary of the Department of Administration shall make reports annually to the Joint Legislative Commission on Governmental Operations on information reported pursuant to this subsection.

(k) If the death of a military veteran causes a business to be less than fifty-one percent (51%) owned by one or more military veterans, the surviving spouse of the military veteran who acquires ownership rights in the business shall, for the period set forth in this subsection, be treated as if the surviving spouse were the veteran for the purpose of maintaining the status of the business as a veteran business. This period shall begin on the date the veteran dies and end on the earliest of the following:

(1) The date on which the surviving spouse remarries.

(2) The date on which the surviving spouse relinquishes an ownership interest in the business.

(3) The date that is 10 years after the veteran's death."

SECTION 1.(c) G.S. 143-131 is amended by adding a new subsection to read:

"(c) All public entities shall solicit military veteran participation in contracts for the erection, construction, alteration, or repair of any building awarded pursuant to this section. The public entity shall maintain a record of contractors solicited and shall document efforts to recruit military veteran business participation in those contracts. Nothing in this section shall be construed to require formal advertisement of bids. All data, including the type of project, total dollar value of the project, dollar value of military veteran business participation on each project, and documentation of efforts to recruit military veteran participation shall be reported to the Department of Administration, Division of Veterans Affairs, upon the completion of the project."

PART II. CONFORMING CHANGES

SECTION 2.(a) G.S. 18C-151(a)(4) reads as rewritten:

"(4) The Commission has complied with the minority participation goals of G.S. 143-128.2 and ~~G.S. 143-128.3~~ G.S. 143-128.3, and with the veteran participation goals of G.S. 143-128.5."

SECTION 2.(b) G.S. 113-315.36 reads as rewritten:

"§ 113-315.36. Building contracts.

(a) The following general laws, to the extent provided below, do not apply to the North Carolina Seafood Industrial Park Authority:

(1) Repealed by Session Laws 1999-368, s. 1.

(2) Except for ~~G.S. 143-128.2~~, G.S. 143-128.2 and G.S. 143-128.5, Article 8 of Chapter 143 of the General Statutes does not apply to public building contracts of the Authority that require the estimated expenditure of public money in an amount less than two hundred fifty thousand dollars (\$250,000). With respect to a contract that is exempted from certain provisions of Article 8 under this subdivision, the powers and duties set out in Article 8 shall be exercised by the Authority, and the Secretary of Administration and other State officers, employees, or agencies shall have no duties or responsibilities concerning the contract.

(3) G.S. 143-341(3) does not apply to plans and specifications for construction or renovation authorized by the Authority that require the estimated expenditure of public money in an amount less than two hundred fifty thousand dollars (\$250,000).

(b) Notwithstanding the other provisions of this section, the services of the Department of Administration may be made available to the Authority, when requested by the Authority, with regard to matters governed by Article 8 of Chapter 143 of the General Statutes and G.S. 143-341(3). The Authority shall report quarterly to the Joint Legislative Commission on Governmental Operations on any building contract to which this exemption is applied. The quarterly report required by this subsection shall specifically include information regarding the Authority's compliance with the provisions of ~~G.S. 143-128.2~~, G.S. 143-128.2 and G.S. 143-128.5."

SECTION 2.(c) G.S. 116-31.11(f) is amended by adding a new subdivision to read:

"(5) Whether the person or business awarded a contract under this section meets the definition of 'veteran business' or 'military veteran' as defined in G.S. 143-128.5(f)."

SECTION 2.(d) G.S. 116D-4 reads as rewritten:

"§ 116D-4. ~~Minority and~~ Minority, veteran, and historically underutilized business participation.

(a) Minority Business and Veteran Business Participation. – The goals set by G.S. 143-128 and G.S. 143-128.5 for participation in projects by minority and veteran businesses apply to projects funded by the proceeds of bonds or notes issued under this section. The following State agencies shall monitor compliance with this requirement and shall report to the General Assembly by January 1 of each year on the participation by minority and veteran businesses in these projects. The State Construction Office, Department of Administration, shall monitor compliance with regard to projects funded by the proceeds of university improvement general obligation bonds and notes and special obligation bonds and notes; the Board of Governors of The University of North Carolina shall provide the State Construction Office any information required by the State Construction Office to monitor compliance. The Community Colleges System Office shall monitor compliance with regard to projects funded by the proceeds of community college general obligation bonds and notes.

(b) Participation in Providing Professional Services. – The Department of State Treasurer shall provide contracting opportunities for historically underutilized businesses in providing professional services in connection with the issuance of bonds and notes authorized by this section. As used in this subsection, the term "historically underutilized business" means a business described in G.S. 143-48. The Department of State Treasurer shall strive to increase the amount of legal, financial, and other professional services acquired by it from historically underutilized businesses. With the assistance of the Office for Historically Underutilized Businesses in the Department of Administration, the Department of State Treasurer shall set objectives for contracting with these businesses, identify and eliminate barriers or constraints that may restrict these businesses from contracting with the Department, and develop a plan for meeting its objectives. The Department of State Treasurer shall report quarterly to the Office for Historically Underutilized Businesses on its progress in carrying out the requirements of this subsection."

SECTION 2.(e) G.S. 143-128.1 reads as rewritten:

"§ 143-128.1. Construction management at risk contracts.

(a) For purposes of this section and G.S. 143-64.31:

(1) "Construction management services" means services provided by a construction manager, which may include preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services, and construction administration.

(2) "Construction management at-risk services" means services provided by a person, corporation, or entity that (i) provides construction management services for a project throughout the preconstruction and construction

1 phases, (ii) who is licensed as a general contractor, and (iii) who guarantees
2 the cost of the project.

3 (3) "Construction manager at risk" means a person, corporation, or entity that
4 provides construction management at risk services.

5 (4) "First-tier subcontractor" means a subcontractor who contracts directly with
6 the construction manager at risk.

7 (b) The construction manager at risk shall be selected in accordance with Article 3D of
8 this Chapter. Design services for a project shall be performed by a licensed architect or
9 engineer. The public owner shall contract directly with the architect or engineer.

10 (c) The construction manager at risk shall contract directly with the public entity for all
11 construction; shall publicly advertise as prescribed in G.S. 143-129; and shall prequalify and
12 accept bids from first-tier subcontractors for all construction work under this section. The
13 prequalification criteria shall be determined by the public entity and the construction manager
14 at risk to address quality, performance, the time specified in the bids for performance of the
15 contract, the cost of construction oversight, time for completion, capacity to perform, and other
16 factors deemed appropriate by the public entity. The public entity shall require the construction
17 manager at risk to submit its plan for compliance with G.S. 143-128.2 and G.S. 143-128.5 for
18 approval by the public entity prior to soliciting bids for the project's first-tier subcontractors. A
19 construction manager at risk and first-tier subcontractors shall make a good faith effort to
20 recruit and select minority businesses for participation in contracts pursuant to ~~G.S. 143-128.2~~.
21 G.S. 143-128.2 and military veteran businesses for participation in contracts pursuant to
22 G.S. 143-128.5. A construction manager at risk may perform a portion of the work only if (i)
23 bidding produces no responsible, responsive bidder for that portion of the work, the lowest
24 responsible, responsive bidder will not execute a contract for the bid portion of the work, or the
25 subcontractor defaults and a prequalified replacement cannot be obtained in a timely manner,
26 and (ii) the public entity approves of the construction manager at risk's performance of the
27 work. All bids shall be opened publicly, and once they are opened, shall be public records
28 under Chapter 132 of the General Statutes. The construction manager at risk shall act as the
29 fiduciary of the public entity in handling and opening bids. The construction manager at risk
30 shall award the contract to the lowest responsible, responsive bidder, taking into consideration
31 quality, performance, the time specified in the bids for performance of the contract, the cost of
32 construction oversight, time for completion, compliance with ~~G.S. 143-128.2~~, G.S. 143-128.2
33 and G.S. 143-128.5, and other factors deemed appropriate by the public entity and advertised as
34 part of the bid solicitation. The public entity may require the selection of a different first-tier
35 subcontractor for any portion of the work, consistent with this section, provided that the
36 construction manager at risk is compensated for any additional cost incurred.

37 When contracts are awarded pursuant to this section, the public entity shall provide for a
38 dispute resolution procedure as provided in G.S. 143-128(f1).

39 (d) The construction manager at risk shall provide a performance and payment bond to
40 the public entity in accordance with the provisions of Article 3 of Chapter 44A of the General
41 Statutes."

42 **SECTION 2.(f) G.S. 143-129.4 reads as rewritten:**

43 **"§ 143-129.4. Guaranteed energy savings contracts.**

44 The solicitation and evaluation of proposals for guaranteed energy savings contracts, as
45 defined in Part 2 of Article 3B of this Chapter, and the letting of contracts for these proposals
46 are not governed by this Article but instead are governed by the provisions of that Part; except
47 that guaranteed energy savings contracts are subject to the requirements of ~~G.S. 143-128.2 and~~
48 ~~G.S. 143-135.3.~~ G.S. 143-128.2, 143-128.5, and 143-135.3."

49 **SECTION 2.(g) G.S. 143-135.5(a) reads as rewritten:**

1 "§ 143-135.5. State policy; cooperation in promoting the use of small, minority, physically
2 ~~handicapped and women handicapped, women, and military veteran~~
3 ~~contractors; purpose.~~

4 (a) It is the policy of this State to encourage and promote the use of small, minority,
5 ~~physically handicapped and women handicapped, women, and military veteran~~ contractors in
6 State construction projects. All State agencies, institutions and political subdivisions shall
7 cooperate with the Department of Administration and all other State agencies, institutions and
8 political subdivisions in efforts to encourage and promote the use of small, minority, physically
9 ~~handicapped and women handicapped, women, and military veteran~~ contractors in achieving
10 the purpose of this Article, which is the effective and economical construction of public
11 buildings."

12 SECTION 2.(h) G.S. 143-135.26(9)b1 reads as rewritten:

13 "b1. The entity includes in its bid or proposal requirements that the
14 contractor will file a plan for making a good faith effort to reach the
15 minority participation goal set out in G.S. 143-128.2, G.S. 143-128.2
16 and the veteran business participation goal set out in
17 G.S. 143-128.5."

18 SECTION 2.(i) G.S. 147-33.97 reads as rewritten:

19 "§ 147-33.97. Information technology procurement policy; reporting requirements.

20 (a) Policy. – In order to further the policy of the State to encourage and promote the use
21 of small, minority, physically ~~handicapped, and women handicapped, women, and veteran~~
22 contractors in State purchasing of goods and services, all State agencies covered by this Part
23 shall cooperate with the Office in efforts to encourage the use of small, minority, physically
24 ~~handicapped, and women handicapped, women, and veteran~~ contractors in achieving the
25 purpose of this Part, which is to provide for the effective and economical acquisition,
26 management, and disposition of information technology.

27 (a1) A vendor submitting a bid shall disclose in a statement, provided
28 contemporaneously with the bid, where services will be performed under the contract sought,
29 including any subcontracts and whether any services under that contract, including any
30 subcontracts, are anticipated to be performed outside the United States. Nothing in this section
31 is intended to contravene any existing treaty, law, agreement, or regulation of the United States.

32 (a2) The State Chief Information Officer shall retain the statements required by
33 subsection (a1) of this section regardless of the State entity that awards the contract and shall
34 report annually to the Secretary of Administration on the number of contracts which are
35 anticipated to be performed outside the United States.

36 (b) Reporting. – Every State agency that makes a direct purchase of information
37 technology using the services of the Office shall report directly to the Department of
38 Administration all information required by G.S. 143-48(b).

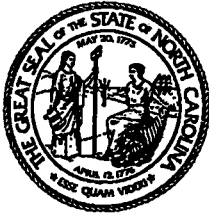
39 (c) The Department of Administration shall collect and compile the data described in
40 this section and report it annually to the Office."

41 SECTION 2.(j) G.S. 148-37.2(j) reads as rewritten:

42 "(j) Minority Business Participation. – G.S. 143-128.2 ~~applies and~~ G.S. 143-128.5 apply
43 to the Projects authorized in this section."

44 45 PART III. EFFECTIVE DATE

46
47 SECTION 3. This act is effective when it becomes law and applies to bids solicited
48 on or after that date.



HOUSE BILL 172: Encourage Military Veteran Contractor Use

2011-2012 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Government	Date:	March 16, 2011
Introduced by:	Reps. Killian, McElraft, Horn	Prepared by:	Tim Hovis
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 172 amends the State purchase and contract law to encourage the use of military veteran contractors and requires the State to have a verifiable 10% goal for participation by military veteran businesses in the total value of work for each State building project, including building projects done by a private entity on a facility to be leased or purchased by the State.*

CURRENT LAW:

State law sets forth a policy on encouragement and promotion of the following entities with regard to State purchasing: small contractors, minority contractors, physically handicapped contractors and women contractors. Business participation goals for State building projects are established for minority businesses.

BILL ANALYSIS:

PART I. CREATE MILITARY VETERAN BUSINESS PARTICIPATION GOALS FOR PUBLIC CONTRACTS of House Bill 172 does the following:

Section 1(a) adds military veteran contractors to G.S. 143-48 which provides the state policy of encouraging and promoting the use of small contractors, minority contractors, physically handicapped contractors, and women contractors.

Section 1(b) creates a new G.S. 143-128.5, regarding military veteran business participation goals. This section provides for the following:

- Requires the State to have a verifiable 10% goal for participation by a military veteran business in the total value of work for each State building project, including building projects by a private entity on a facility to be leased or purchased by the State.
- The 10% goal is also required for a local government unit or other public or private entity that receives State appropriations for a building project or other State grant funds for a building project, including a project by a private entity on a facility to be leased or purchased by the local government unit, where the project cost is \$100,000 or more.
- For building projects not involving State funds, each city, county, or other local public entity must adopt an appropriate verifiable percentage goal for participation by veteran businesses in the total value of work for the project. A public hearing, including notice, is required prior to adoption of the percentage goal.
- Provides the following definitions:
 - "Veteran business" is a business
 - In which at least 51% is owned by one or more military veterans, or in the case of a corporation, in which at least 51% of the stock is owned by one or more military veterans; and

House Bill 172

Page 2

- Of which the management and daily business operations are controlled by one or more of one or more of military veterans who own it.
- "Military Veteran" means a person who is a citizen or lawful permanent resident of the United States and who (i) served in the armed forces of the United States or the North Carolina National Guard for a minimum of 180 days, or (ii) is or was a member of the reserve. The veteran must have been discharged or released with an honorable discharge or a general discharge under honorable conditions to qualify.
- Requires public entities to make good faith efforts to recruit veteran participation, to meet the veteran business participation goals established in G.S. 143-128.5(a), and to develop outreach plans and other means to inform potential veteran businesses of the bids being sought as provided in G.S. 143-128.5(e).
- Provides that this section applies only to building projects costing \$300,000 or more, except for the following: (1) the goals and threshold requirements (\$100,000 for local governments) in G.S. 143-128.5(a); (2) the definitions in G.S. 143-128.5(f); (3) language allowing purchases from lowest bidder in G.S. 143-128.5(g); and (4) public record requirements in G.S. 143-128.5(h). G.S. 143-128.5 does not apply to the purchase and erection of prefabricated or relocatable buildings or portions thereof.
- Requires annual reports to the Department of Administration on compliance with the section. The Department is required to report annually to the Joint Legislative Commission on Governmental Operations.

Section 1(c) of the bill amends G.S. 143-131 to require solicitation of military veteran participation in informal bids.

PART II makes conforming changes to other statutes.

EFFECTIVE DATE: House Bill 172 is effective when it becomes law and applies to bids solicited on or after that date.

Hal Pell and Theresa Matula substantially contributed to this summary.

H172-SMRG-6(e1) v5

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative Cleveland, Killian (Chairs) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 172 A BILL TO BE ENTITLED AN ACT TO ENCOURAGE STATE AND LOCAL
GOVERNMENT TO USE MILITARY VETERAN CONTRACTORS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
GOVERNMENT.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

HOUSE PAGES

NAME OF COMMITTEE Homeland Security DATE 3-17-11

1. Name: Tiara Jones

County: Forsyth

Sponsor: Rep. Larry Womble

2. Name: Frances Clayton

County: Wake

Sponsor: Rep. Steen

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Committee Sergeants at Arms

NAME OF COMMITTEE Homeland Security, Military and Veterans Affairs

DATE: 3-17-11

Room: 1425

House Sgt-At Arms:

1. Name: Bill Bass

2. Name: Martha Gadison

3. Name: Abigail Blackwell

4. Name: _____

5. Name: _____

Senate Sgt-At Arms:

1. Name: _____

2. Name: _____

3. Name: _____

4. Name: _____

5. Name: _____

VISITOR REGISTRATION SHEET

Homeland Security Military & Veteran's Affairs

Name of Committee

Date 3/17/2011

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

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Jerome R York	DOA
Paul Meyer	NCLM
Henry Jones	Attorney - Raleigh
Bridget Wall-Lennon	DOA/HHS office
Spuro Plegge	DOA
Christy Agner	DOA
Ambray Incorvaia	Dept. of Commerce
Walter Hanna	WABA
Rick Barkett	DOA
Allison Waller	Charlotte Chamber

VISITOR REGISTRATION SHEET

Homeland Security Military & Veteran's Affairs
Name of Committee

3/17/11
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

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BILL Trahan	
Emily grimm	mwc
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Jim NISLEY	MODERN TOWER SOLN - CHARLOTTE NC
MARK M. HAUPT SR	CONVERGED SERVICES, LLC 8311 BRIER CREEK PKWY STE 105-404 RALEIGH, NC 27617
Joe Marchesani	Marker Distributors, LLC 218 K-Line Dr, Ste A Matthews, NC

Homeland Security, Military and Veterans Affairs Committee

Minutes

April 7, 2011

The following members were present: Representatives Killian, Cleveland, Blust, Martin, Torbett, Bell, Bradley, Floyd, Hollo, Horn, Sager, Sanderson, and Wainwright.

Representative Killian called the meeting to order at 12:00pm and recognized the Sergeant at Arms and Pages. Representative Killian overviewed the calendar and elected to start with HB 515, he motioned to adopt the PCS and recognized Representative Floyd to explain the bill.

Representative Floyd went through the PCS, explained changes and the intent of the bill. Representative Killian recognized Representative Wainwright for a question. Representative Wainwright asked a question to staff regarding the last sentence of the bill. Hal Pell in staff explained the purpose of the last sentence and why they needed to use the PCS rather than the original bill.

Representative Wainwright was recognized for a follow up and asked a question regarding a military student buying used books and selling them. Hal Pell explained the answer to Representative Wainwright. Representative Wainwright was recognized for a follow up and asked about the concept of "advance purchasing." Dr. King, from Fayetteville Technical Community College, explained the student book-keeping process for military students.

Representative Wainwright was recognized for an additional follow up, and asked about servicemen charging books and adding it on to tuition. Dr. King went over the step by step process for a student soldier to receive their books. Representative Bradley was recognized for a question, and asked about any pushback from D.C.

Representative Sanderson motioned for a favorable report to be re-referred to the Committee on Education. Unanimous vote yes.

Representative Killian recognized Kara McCow from staff to explain HB 514. Kara McCow explained the definitions, current law, what this act changes, what the act creates and establishes, and what are the current policies for military voting and guidelines.

Representative Killian recognized Representative Martin to discuss the bill. Representative Martin discussed the historical background of the language, the importance of the legislation, and what the uniform law is. Representative Killian recognized Representative Torbett for a question. Representative asked about provisions for ballots to be received. Representative explained the importance of guidelines and deadlines in the election process.

Representative Torbett was recognized for a follow up. He asked what is done if the soldier does not get his ballot in time. Representative Martin responded by explaining the purpose which is to reduce any risk on both ends (sending and receiving). He explained that the process may never be perfect, however,

this is a step in the right direction and a step to work on the accountability of the process.

Representative Torbett was recognized for a follow up regarding if there could be additional language to create an exact deadline. Representative Killian discussed the possibility of electronic ID card for voting military personnel.

Representative Floyd was recognized to ask about past legislation, specifically prior dates for requests for absentee ballots. Representative Floyd recalls an amendment from last session that he and Representative Martin put together. Representative Martin spoke on the past legislation. Gerry Cohen, from Drafting was recognized to speak on the bill.

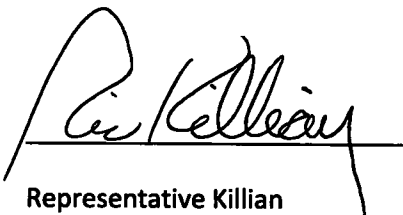
Representative Horn was recognized to ask a question to Representative Killian regarding the security of the electronic channels. Representative Killian pulls out his military ID card and explained how it works. Representative Horn asked a follow up about the SBOE side and Representative Killian said it was secure on the SBOE end.

Representative Blust was recognized to ask a question to the bill sponsor regarding the past legislation. Representative Killian said he could not speculate; however, this is a good step in the right direction. Representative Blust asked a follow up regarding the possibility of getting e-mails from people about voter suppression.

Representative Martin spoke on the bill and potential problems, Representative Cleveland asked about the security of .mil emails. Representative Floyd asked for a point of clarification regarding the definition of an overseas voter. Representative Martin explained that it is for individuals who are 18 and older that are overseas.

Gerry Cohen explained the federal law regarding people who are eligible to vote and live outside of the country. Representative Floyd motions for a favorable report to be re-referred to the Committee on Elections. Motion passed.

Representative Killian asked if there were any final questions, spoke on HB 149, which was to be heard in session and then adjourned the meeting.

A handwritten signature in black ink, appearing to read "Rick Killian", written over a horizontal line.

Representative Killian

Chair

A handwritten signature in black ink, appearing to read "Bradley Trahan", written over a horizontal line.

Bradley Trahan

Committee Assistant

Homeland Security, Military, & Veterans Affairs

April 7, 2011

12:00 pm

Room 1425 LB

Agenda

Chairs: Representative Ric Killian

Representative George Cleveland

Vice Chairs: Representative John Blust

Representative Grier Martin

Representative John Torbett

- Call to Order
- Opening Remarks
- Introductions (Sergeant at Arms, Pages, Staff)
- House Bill 514
- House Bill 515
- Adjournment

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative Cleveland, Killian (Chairs) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 514 A BILL TO BE ENTITLED AN ACT TO ADOPT PROVISIONS OF THE UNIFORM
MILITARY AND OVERSEAS VOTERS ACT PROMULGATED BY THE NATIONAL
CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING
EXISTING NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
ELECTIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

PUBLIC BILL

H.B. 0514

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT
PROMULGATED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE
LAW, WHILE RETAINING EXISTING NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE
VOTERS.

Martin ROK
Introduced by Representative(s): Martin and Killian (Primary Sponsors).

Lewis
Lewis *Glasgow* (Primary Sponsors)

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING

MAR 30 2011

AND REFERRED TO COMMITTEE
ON Homeland Security

*Legacy and Veterans
Affairs + if Gov. Elections*



HOUSE BILL 514: Uniform Military and Overseas Voters Act

2011-2012 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Elections	Date:	April 7, 2011
Introduced by:	Reps. Martin, Killian, Lewis, Glazier	Prepared by:	Kara McCraw
Analysis of:	First Edition		Committee Counsel

SUMMARY: HB 514 would repeal current law providing for military and overseas voting and would enact the Uniform Military and Overseas Voters Act (UMOVA) model act.

CURRENT LAW: Article 21 of Chapter 163 provides for absentee registration and voting in primary and general elections for certain military personnel and families and civilians living overseas (military absentee voters), in compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

BILL ANALYSIS: HB 514 repeals Article 21 and creates a new Article 21A in Chapter 163, Uniform Military and Overseas Voters Act.

Key Definitions:

Covered voter: One of the following:

1. Uniformed-service voter or overseas voter registered to vote in NC.
2. Uniformed-service voter whose voting residence is in NC and who otherwise satisfies NC's voter eligibility requirements.
3. Overseas voter who, before leaving the US, was last eligible to vote in NC and, except for NC's residency requirement, otherwise satisfies NC's voter eligibility requirements.
4. Overseas voter who, before leaving the US, would have been last eligible to vote in NC had the voter then been of voting age and, except for the NC residency requirement, otherwise satisfies NC's voter eligibility requirements.
5. Overseas voter born outside the US not otherwise covered who, except for the NC residency requirement, otherwise satisfies NC's voter eligibility requirements, if 1) the last place where a parent or legal guardian of the voter was, or would have been, eligible to vote before leaving the US is within NC and 2) the voter has not previously registered to vote in any other state.

Uniformed services voters: Individuals qualified to vote who are active duty U.S. uniformed services members, their spouses and their dependents.

- Uniformed services are the U. S. Army, Navy, Marine Corps, Air Force, and Coast Guard, as well as the Merchant Marine, commissioned corps of the Public Health Service, commissioned corps of the National Oceanic and Atmospheric Administration, National Guard, and state militia units.

Overseas voter: U. S. citizens outside the country.

Applicability: Would apply to primary, general, or special elections for federal or State office, State ballot measures, and local government elections and ballot measures if absentee balloting is allowed in those races.

State Board of Elections Responsibilities:

- Must make available information to covered voters on procedures for registration and casting military-overseas ballots.
- Establish an electronic transmission system for covered voters to apply and received registration materials, ballots, and other information.
- Develop standardized absentee-voting materials, and to the extent possible, do so in coordination with other states.
- Prescribe the form and content of a declaration for use by a covered voter as to identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas military ballot.

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- Implement an electronic free-access system for a covered voter to determine by telephone, e-mail, or the Internet if the registration or ballot application has been received, and if the ballot has been received and its status.

Overseas Voter Registration Address: An overseas voter's registration address is the address of the last residence of the voter in NC. For those born outside the US, it is the address of the last residence of the parent or legal guardian. If the address is no longer recognized as a residential address, one must be assigned to the voter for voting purposes.

Methods of Registering to Vote: In addition to other approved methods, covered voters may use a federal postcard application or electronic equivalent to register. The covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register simultaneous with submission of the write-in ballot, if it is received by the deadline to register to vote.

Methods of Applying for Military-overseas Ballot: A covered voter may apply either through the regular mail-in absentee ballot or the federal postcard application or electronic equivalent. An unregistered covered voter may use the federal postcard application or electronic equivalent to simultaneously apply to register to vote and receive a military-overseas ballot. The covered voter may use the declaration accompanying a federal write-in absentee ballot as a simultaneous application for a military-overseas ballot if it is received by the appropriate deadline. The covered voter must inform the appropriate election official of the voter's status as a covered voter through the use of a federal postcard application or federal write-in ballot, use of an overseas address on an approved voter registration or ballot application, or inclusion of other information sufficient to identify the voter as a covered voter.

Timeliness of Application: An application for a military-overseas ballot is timely if received by 5:00pm on the Tuesday before the election. Applications for a primary election, even if not timely received, are effective as an application for a military-overseas ballot for the general election. Application for a primary are effective for the 2nd primary election.

Transmission of unvoted ballots: County boards of elections must transmit ballots to covered voters, who have submitted a valid application by that date, no later than 60 days before a statewide general election and 50 days before any other election. For 2nd primaries and if offices are added to a ballot after the deadline, the transmission must be as soon as practicable. If a covered voter request electronic transmission of the ballot, they may choose fax, e-mail, or, if offered, Internet delivery. If a request arrives after the county board of elections begins transmitting ballots, the ballot must be distributed within 2 business days of receipt of the application

Timely Casting of Ballots: A military-overseas ballot must be received no later than 5:00pm on the 3rd day after the election to be valid.

Federal write-in absentee ballot: Covered voters may use the federal write-in absentee ballot to vote for all offices and ballot measures in a covered election.

Receipt of voted ballot: A valid military-overseas ballot must be counted if delivered by the end of business on the business day before the latest deadline for completing the county canvass.

Declaration: The covered voter must sign a declaration declaring that a material misstatement of fact in completing a military-overseas ballot may be grounds for perjury under federal or State law.

Use of covered voter e-mail address: The county board of elections must request an e-mail address from covered voters who register after January 1, 2010. The e-mail address is not a public record, and may only be used for official communication about voting, and for verifying the voter's mailing address and physical location. The voter must be given notice of the limitations on the use of the e-mail address. Covered voters who provide e-mail addresses may make a standing request for electronic delivery of a ballot for all elections through December 31 of the year after the year in which the application was made, or for a shorter period specified by the voter.

Publication of electronic notice: At least 100 days before a regularly scheduled election, and as soon as practicable for elections not regularly scheduled, county boards of elections must prepare an election notice to be used in conjunction with the federal write-in absentee ballot. The notice must contain a list of all ballot measures,

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federal, State, and local offices expected to be on the ballot, and instructions on how a voter is to indicate on the federal write-in absentee ballot the voter's choice. Covered voters may request a copy of the notice. The notice must be updated once ballot styles are printed. County boards of elections who maintain websites must make notices available there.

Prohibition of nonessential requirements: The following do not invalidate a covered voter's document:

- A voter mistake or omission that does not prevent determination of whether the covered voter is eligible to vote.
- Failure to satisfy a nonessential requirement, such as using envelopes of a certain size.
- In write-in ballots, if the voter's intention is discernable, an abbreviation, misspelling, or other minor variation must be accepted as a valid vote.

Additional authentications, other than the required declarations, are not required for execution of a document. The required declaration may be compared against information on file to ascertain the validity of the document.

Issuance of Relief: A covered voter or election official may apply to the court to grant an injunction or other equitable relief appropriate to ensure substantial compliance with the Article.

Uniformity of Application and Construction: Consideration must be given to promoting uniformity of the law with respect to its subject matter among states that enact it.

Recodified Statutes:

HB 514 recodifies the following sections from the repealed Article 21, and makes conforming changes.

- G.S. 163-251 is recodified as G.S. 163-258.21 – Requires the county board of elections to prepare a certified list of returned military-overseas ballots distributed by election day.
- G.S. 163-253 is recodified as G.S. 163-258.22 – Provides that individuals who no longer qualify as covered voters are not entitled to subsequently vote by absentee ballot under the Article. The voter's registration will remain valid for the remainder of the calendar year and the voter may vote in any primary or election without having to reregister. Election officials may require proof of military status at the time of registration.
- G.S. 163-254 is recodified as G.S. 163-258.23 – If an individual was absent due to uniformed service on the day registration records for an election closed, that person may register in person at any time the board of elections is open, including the day of the election. The person may register and vote on election day even if their uniformed service status has changed after the close of registration.
- G.S. 163-255 is recodified as G.S. 163-258.24 – Covered persons are permitted to vote at an early-voting site if they have not already voted an absentee ballot that has been returned to the board of elections and the person will be out of the county on election day.
- G.S. 163-256 is recodified as G.S. 163-258.25 – Requires the State Board to adopt rules and regulations to permit covered persons to register and vote on election day and vote at an early voting site.
- G.S. 163-258 is recodified as G.S. 163-258.26 – Provides the State Board the authority to make emergency rules to facilitate absentee voting for covered voters when an international, national, or local emergency makes substantial compliance with the law impossible.

Sections 3-7 of the bill make conforming changes.

EFFECTIVE DATE: HB 514 would become effective January 1, 2012. The act may not become effective until preclearance under Section 5 of the Voting Rights Act is received.

BACKGROUND: The Uniform Military and Overseas Voters Act (UMOVA) was approved by the Uniform Law Commission in 2010. The Uniform Law Commission states that the purpose of UMOVA is to simplify the process of absentee voting for United States military and overseas civilians by making the process more uniform, convenient, secure and efficient.

H514-SMTC-10(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 514

Short Title: Uniform Military and Overseas Voters Act. (Public)

Sponsors: Representatives Martin, Killian, Lewis, and Glazier (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Elections.

March 30, 2011

A BILL TO BE ENTITLED
AN ACT TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS
VOTERS ACT PROMULGATED BY THE NATIONAL CONFERENCE OF
COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING EXISTING
NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 163 of the General Statutes is amended by adding a new
Article to read:

"Article 21A.

"Uniform Military and Overseas Voters Act.

"§ 163-258.1. Short title.

This Article may be cited as the Uniform Military and Overseas Voters Act.

"§ 163-258.2. Definitions.

As used in this Article:

(1) "Covered voter" means:

- a. A uniformed-service voter or an overseas voter who is registered to vote in this State;
- b. A uniformed-service voter defined in subdivision (7) of this section whose voting residence is in this State and who otherwise satisfies this State's voter eligibility requirements;
- c. An overseas voter who, before leaving the United States, was last eligible to vote in this State and, except for a state residency requirement, otherwise satisfies this State's voter eligibility requirements;
- d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this State had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this State's voter eligibility requirements; or
- e. An overseas voter who was born outside the United States, is not described in sub-subdivision c. or d. of this subdivision, and, except for a State residency requirement, otherwise satisfies this State's voter eligibility requirements, if:
 1. The last place where a parent or legal guardian of the voter was, or under this Article would have been, eligible to vote before leaving the United States is within this State; and



- "§ 163-258.3. Elections covered.**

- (1) A primary, general, or special election for federal or State office;
- (2) A State ballot measure; and
- (3) A primary, general, special, or runoff election for local government office or a local ballot measure if absentee balloting is allowed under Article 20 of this Chapter.

(a) The State Board of Elections is the State official responsible for implementing this Article and the State's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff, et seq.

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1 this subsection only to the State office designated in compliance with the Uniformed and
2 Overseas Citizens Absentee Voting Act, Section 102(b)(1), 42 U.S.C. § 1973ff-1(b)(1).

3 (c) The State Board of Elections shall establish an electronic transmission system
4 through which covered voters may apply for and receive voter registration materials,
5 military-overseas ballots, and other information under this Article.

6 (d) The State Board of Elections shall develop standardized absentee-voting materials,
7 including privacy and transmission envelopes and their electronic equivalents, authentication
8 materials, and voting instructions, to be used with the military-overseas ballot of a voter
9 authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall
10 do so in coordination with other states.

11 (e) The State Board of Elections shall prescribe the form and content of a declaration
12 for use by a covered voter to swear or affirm specific representations pertaining to the voter's
13 identity, eligibility to vote, status as a covered voter, and timely and proper completion of an
14 overseas-military ballot. The declaration must be based on the declaration prescribed to
15 accompany a federal write-in absentee ballot under the Uniformed and Overseas Citizens
16 Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, as modified to be consistent with this
17 Article. The State Board of Elections shall ensure that a form for the execution of the
18 declaration, including an indication of the date of execution of the declaration, is a prominent
19 part of all balloting materials for which the declaration is required.

20 **"§ 163-258.5. Overseas voter's registration address.**

21 In registering to vote, an overseas voter who is eligible to vote in this State shall use and
22 must be assigned to the precinct of the address of the last place of residence of the voter in this
23 State, or, in the case of a voter described by G.S. 163-258.2(1)e, the address of the last place of
24 residence in this State of the parent or legal guardian of the voter. If that address is no longer a
25 recognized residential address, the voter must be assigned an address for voting purposes.

26 **"§ 163-258.6. Methods of registering to vote.**

27 (a) In addition to any other approved method for registering to vote, a covered voter
28 may use a federal postcard application, as prescribed under the Uniformed and Overseas
29 Citizens Absentee Voting Act, Section 101(b)(2), 42 U.S.C. § 1973ff(b)(2), or the application's
30 electronic equivalent, to apply to register to vote.

31 (b) A covered voter may use the declaration accompanying the federal write-in absentee
32 ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section
33 103, 42 U.S.C. § 1973ff-2, to apply to register to vote simultaneously with the submission of
34 the federal write-in absentee ballot, if the declaration is received by the deadline to register to
35 vote provided by G.S. 163-82.6(c).

36 (c) The State Board of Elections shall ensure that the electronic transmission system
37 described in G.S. 163-258.4(c) is capable of accepting both a federal postcard application and
38 any other approved electronic registration application sent to the appropriate election official.
39 The voter may use the electronic transmission system or any other approved method to register
40 to vote.

41 **"§ 163-258.7. Methods of applying for military-overseas ballot.**

42 (a) A covered voter who is registered to vote in this State may apply for a
43 military-overseas ballot using either the regular application provided by Article 20 of this
44 Chapter or the federal postcard application, as prescribed under the Uniformed and Overseas
45 Citizens Absentee Voting Act, Section 101(b)(2), 42 U.S.C. § 1973ff(b)(2), or the application's
46 electronic equivalent.

47 (b) A covered voter who is not registered to vote in this State may use the federal
48 postcard application or the application's electronic equivalent simultaneously to apply to
49 register to vote under G.S. 163-258.7 and to apply for a military-overseas ballot.

50 (c) The State Board of Elections shall ensure that the electronic transmission system
51 described in G.S. 163-258.4(c) is capable of accepting the submission of both a federal

1 postcard application and any other approved electronic military-overseas ballot application sent
2 to the appropriate election official. The voter may use the electronic transmission system or any
3 other approved method to apply for a military-overseas ballot.

4 (d) A covered voter may use the declaration accompanying the federal write-in absentee
5 ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section
6 103, 42 U.S.C. § 1973ff-2, as an application for a military-overseas ballot simultaneously with
7 the submission of the federal write-in absentee ballot, if the declaration is received by the
8 appropriate election official by the deadline provided by G.S. 163-230.1(a).

9 (e) To receive the benefits of this Article, a covered voter must inform the appropriate
10 election official that the voter is a covered voter. Methods of informing the appropriate election
11 official that a voter is a covered voter include:

- 12 (1) The use of a federal postcard application or federal write-in absentee ballot;
- 13 (2) The use of an overseas address on an approved voter registration application
14 or ballot application; and
- 15 (3) The inclusion on an approved voter registration application or ballot
16 application of other information sufficient to identify the voter as a covered
17 voter.

18 (f) This Article does not preclude a covered voter from voting an absentee ballot under
19 Article 20 of this Chapter.

20 **"§ 163-258.8. Timeliness and scope of application for military-overseas ballot.**

21 An application for a military-overseas ballot is timely if received by the deadline provided
22 by G.S. 163-230.1(a). An application for a military-overseas ballot for a primary election,
23 whether or not timely, is effective as an application for a military-overseas ballot for the
24 general election. An application for a military-overseas ballot for a primary is effective for the
25 second primary election.

26 **"§ 163-258.9. Transmission of unvoted ballots.**

27 (a) Not later than 60 days before the statewide general election in even-numbered years
28 and not later than 50 days before any other election, the county board of elections shall transmit
29 a ballot and balloting materials to all covered voters who by that date submit a valid
30 military-overseas ballot application, except that for a second primary the transmission shall be
31 as soon as practicable. If additional offices are added to the ballot to fill a vacancy occurring
32 after the deadline provided by this subsection, those ballots shall be transmitted as soon as
33 practicable.

34 (b) A covered voter who requests that a ballot and balloting materials be sent to the
35 voter by electronic transmission may choose facsimile transmission or electronic mail delivery,
36 or, if offered by the voter's jurisdiction, Internet delivery. The election official in each
37 jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot
38 and balloting materials to the voter using the means of transmission chosen by the voter.

39 (c) If a ballot application from a covered voter arrives after the jurisdiction begins
40 transmitting ballots and balloting materials to voters, the official charged with distributing a
41 ballot and balloting materials shall transmit them to the voter not later than two business days
42 after the application arrives.

43 **"§ 163-258.10. Timely casting of ballot.**

44 To be valid, a military-overseas ballot must be received by the appropriate county board of
45 elections no later than 5:00 P.M. on the third day after the election.

46 **"§ 163-258.11. Federal write-in absentee ballot.**

47 A covered voter may use the federal write-in absentee ballot, in accordance with the
48 Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, to
49 vote for all offices and ballot measures in a covered election.

50 **"§ 163-258.12. Receipt of voted ballot.**

have issued ballots to no other persons than those listed herein and further that I have not delivered military or overseas absentee ballots to persons other than those listed herein; that this list constitutes the only precinct registration of military and overseas absentee voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.

This the _____ day of _____, _____.

(Signature of Chairman of County
Board of Elections)

Sworn to and subscribed before me this _____ day of _____,

(Signature of Officer administering oath)

(Title of officer)"

(b) Distribution of List. – No earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M. on election day, the chairman shall cause one copy of the list of executed military absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as first-class mail to the State Board of Elections. The chairman shall retain one copy in the board office for public inspection and he shall cause two copies of the appropriate precinct list to be delivered to the chief judge of each precinct in the county. The chief judge shall post one copy in the voting place and retain one copy until all challenges of absentee ballots have been heard by the county board of elections. Challenges shall be made as provided in G.S. 163-89.

After receipt of the list of absentee voters required by this section the chief judge shall call the name of each person recorded on the list and enter an "A" in the appropriate voting square on the voter's permanent registration record, if any any, or a similar entry on the computer list used at the polls. If such person is already recorded as having voted in that election, the chief judge shall enter a challenge which shall be presented to the chairman of the county board of elections for resolution by the board of elections prior to certification of results by the board.

(c) List Constitutes Registration. – The "List of Applicants for Military and Overseas Absentee Ballots to Whom Ballots Have Been Issued" prescribed by this section, when delivered to the chief judges of the various precincts, shall constitute the only precinct registration of the military and overseas absentee voters listed thereon whose names are not already entered in the registration records of the appropriate precinct. Chief judges shall not add the names of persons listed on the military absentee list to the regular registration books of their precincts.

(d) Counting Ballots, Hearing Challenges. – The county board of elections shall count military ballots as provided for civilian absentee ballots in G.S. 163-234, and shall hear challenges as provided in G.S. 163-89.

"§ 163-258.22. Article inapplicable to persons after change of status; reregistration not required.

Upon discharge from the armed forces of the United States or termination of any other status qualifying the voter to register and vote by absentee ballot under the provisions of this Article, the voter shall not be entitled subsequently to vote by ~~military absentee ballot~~, absentee ballot under this Article, but if the voter was registered under the provisions of this Article that voter's registration shall remain valid for the remainder of the calendar year that voter registered, and that voter shall be entitled to vote in any primary or election for the remainder of the calendar year without having to reregister. If requested by election officials, the voter shall present proof of military status at the time of registration. This section does not

entitle a person to vote in North Carolina if that person has become disqualified because of change of permanent residence to another State or because of conviction of a felony.

"§ 163-258.23. Registration and voting on primary or election day.

Notwithstanding any other provisions of ~~Chapter 163 of the General Statutes, this Chapter,~~ an individual shall be permitted to register in person at any time the office of the board of elections or the voting place is open, including the day of a primary or election if that individual was absent on the day the registration records close for an election, but returns to that individual's county of residence in North Carolina thereafter, and if the absence is due to uniformed service as defined by G.S. 163-258.2. ~~an occupation or status of that individual listed below:~~

- ~~(1) Individuals serving in the armed forces of the United States, including (but not limited to) the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Merchant Marine, the National Oceanic and Atmospheric Administration, the commissioned corps of the Public Health Service, and members of the National Guard and military reserve.~~
- ~~(2) Spouses of individuals serving in the armed forces of the United States residing outside the counties of their spouses' voting residence.~~
- ~~(3) Disabled war veterans in United States government hospitals.~~
- ~~(4) Civilians attached to and serving outside the United States with the armed forces of the United States.~~
- ~~(5) Members of the Peace Corps.~~

If an individual so absent on the day registration closes shall appear in person at the voting place on election day and is otherwise eligible to vote, that individual shall be entitled to register and vote at the voting place that day, regardless of whether the person's ~~occupation or status as outlined in subdivisions (1) through (5) of this section~~ uniformed service status has changed since the close of registration.

"§ 163-258.24. Absentee voting at office of board of elections.

Notwithstanding any other provisions of ~~Chapter 163 of the General Statutes, this Chapter,~~ any person eligible to vote an absentee ballot pursuant to ~~G.S. 163-245~~ this Article shall be permitted to vote an absentee ballot pursuant to G.S. 163-227.2 if the person has not already voted an absentee ballot which has been returned to the board of elections, and if he will not be in the county on the day of the primary or election.

In the event an absentee application or ballot has already been mailed to such person applying to vote pursuant to G.S. 163-227.2, the board of elections shall void the application and ballot unless the voted absentee ballot has been received by the board of elections. Such person shall be eligible to vote pursuant to G.S. 163-227.2 no later than 5:00 P.M. on the day next preceding the primary, second primary or election.

"§ 163-258.25. Regulations of State Board of Elections.

(a) The State Board of Elections shall adopt rules and regulations to carry out the intent and purpose of ~~G.S. 163-254 and 163-255, 163-278.23 and G.S. 163-278.24~~ and to ensure that a proper list of persons voting under said sections shall be maintained by the boards of elections, and to ensure proper registration records, and such rules and regulations shall not be subject to the provisions of Article 2A of Chapter 150B of the General Statutes.

(b) The State Board of Elections shall be the single office responsible for providing information concerning voter registration and absentee voting procedures to be used by absent uniformed services voters and overseas voters as to all elections and procedures relating to the use of federal write-in absentee ballots. Unless otherwise required by law, the State Board of Elections shall be responsible for maintaining contact and cooperation with the Federal Voting Assistance Program, the United States Department of Defense, and other federal entities that deal with military and overseas voting. The State Board of Elections shall, as needed, make

1 recommendations concerning military and overseas citizen voting to the General Assembly, the
2 Governor, and other State officials.

3 **"§ 163-258.26. Emergency powers.**

4 If an international, national, or local emergency or other situation arises that makes
5 substantial compliance with this Article or the Uniformed and Overseas Citizens Absentee
6 Voting Act impossible or unreasonable, the State Board of Elections may prescribe, by
7 emergency rule, such special procedures or requirements as may be necessary to facilitate
8 absentee voting by those absent uniformed services voters or overseas voters directly affected
9 who are eligible to vote in this State. The rule shall become effective when filed with the
10 Codifier of Rules."

11 **SECTION 3. G.S. 163-22(k) reads as rewritten:**

12 "(k) Notwithstanding the provisions contained in Article 20 or Article ~~21~~ 21A of Chapter
13 163 the State Board of Elections shall be authorized, by resolution adopted prior to the printing
14 of the primary ballots, to reduce the time by which absentee ballots are required to be printed
15 and distributed for the primary election from 50 days to 45 days. This authority shall not be
16 authorized for absentee ballots to be voted in the general election, except if the law requires
17 ballots to be available for mailing 60 days before the general election, and they are not ready by
18 that date, the State Board of Elections shall allow the counties to mail them out as soon as they
19 are available."

20 **SECTION 4. G.S. 163-231(b) reads as rewritten:**

21 "(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
22 container-return envelope in which executed absentee ballots have been placed shall be
23 transmitted to the county board of elections who issued them as follows: All ballots issued
24 under the provisions of Articles 20 and ~~21~~ 21A of this Chapter shall be transmitted by mail or
25 by commercial courier service, at the voter's expense, or delivered in person, or by the voter's
26 near relative or verifiable legal guardian not later than 5:00 p.m. on the day before the statewide
27 primary or general election or county bond election. If ballots are received later than that hour,
28 they shall not be accepted unless (i) federal law so requires, (ii) if ballots issued under Article
29 20 of this Chapter are postmarked by the day of the statewide primary or general election or
30 county bond election and are received by the county board of elections not later than three days
31 after the election by 5:00 p.m., or (iii) if ballots issued under Article ~~21~~ 21A of this Chapter are
32 received by the county board of elections not later than three days after the election by 5:00
33 p.m. Ballots issued under Article 20 of this Chapter not postmarked by the day of the election
34 shall not be accepted by the county board of elections."

35 **SECTION 5. G.S. 163-232.1(b) reads as rewritten:**

36 "(b) The county board of elections shall prepare, or cause to be prepared, a list in at least
37 triplicate, of all military and overseas absentee ballots issued under Article ~~21~~ 21A of this
38 Chapter and returned to the county board of elections to be counted, which have been approved
39 by the county board of elections, have not been included on the certified list prepared pursuant
40 to G.S. 163-232, and which have been received by the county board of elections not later than
41 three days after the election by 5:00 p.m. The list shall be supplemented with new information
42 each business day following the day of the election until the deadline for receipt of such
43 absentee ballots. At the end of the list, the chairman shall execute the following certificate
44 under oath:

45 "State of North Carolina

46 County of _____

47 I, _____, chairman of the _____ County Board of Elections, do hereby certify that
48 the foregoing is a list of all executed military absentee ballots to be voted in the election to be
49 conducted on the _____ day of _____, _____, which have been approved by the county
50 board of elections, and which have been postmarked by the day of the statewide primary or
51 general election or county bond election and received by the county board of elections not later

1 than three days after the election by 5:00 p.m. I further certify that I have issued ballots to no
2 other persons than those listed herein and further that I have not delivered military absentee
3 ballots to persons other than those listed herein; that this list constitutes the only precinct
4 registration of military absentee voters whose names have not heretofore been entered on the
5 regular registration of the appropriate precinct.

6 This the _____ day of _____,

7 _____
8 (Signature of chairman of
9 county board of elections)

10
11 Sworn to and subscribed before me this _____ day of _____,
12 Witness my hand and official seal.

13 _____
14 (Signature of officer
15 administering oath)

16 _____
17 (Title of officer)"

18 **SECTION 6. G.S. 163-239 reads as rewritten:**

19 **"§ 163-239. Article ~~21-21A~~ relating to absentee voting by servicemen and certain civilians**
20 **military and overseas not applicable.**

21 Except as otherwise provided therein, Article ~~21-21A~~ of this Chapter, relating to absentee
22 registration and voting by servicemen and certain civilians, Chapter shall not apply to or
23 modify the provisions of this Article."

24 **SECTION 7. This act becomes effective January 1, 2012.**

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative Cleveland, Killian (Chairs) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 515 A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO
INCLUDE THE COSTS OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE
ARMED SERVICES.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and
recommendation that the committee substitute bill be re-referred to the Committee on EDUCATION.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed
on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)
resolution No. _____) is placed on the Unfavorable Calendar.

PUBLIC BILL

H.B. 7515

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COSTS OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED SERVICES.

Introduced by Representative(s): Boles and Floyd (Primary Sponsors).

Elmer Floyd _____
Boles _____

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING
MAR 30 2011
AND REFERRED TO COMMITTEE
ON *Homeland Security*

Gov. Education



HOUSE BILL 515: Comm. Coll. Tuition for Members of Military

2011-2012 General Assembly

Committee: House Homeland Security, Military, and
Veterans Affairs, if favorable, Education
Introduced by: Reps. Boles, Floyd
Analysis of: PCS to First Edition
H515-CSRK-33

Date: April 6, 2011
Prepared by: Hal Pell
Committee Counsel

SUMMARY: *This act would include the cost of textbooks in the tuition at community colleges for active duty service members, so that these costs would be included as "tuition" for the purposes of payment by the armed forces. This act is effective when it becomes law.*

[As introduced, this bill was identical to S446, as introduced by Sens. Meredith, Preston, Brown, which is currently in Senate Finance.]

CURRENT LAW: The Armed Forces Tuition Assistance (TA) is a program that gives each branch of the military service the ability to pay up to 100% for the tuition expenses of its service members. Each service has its own criteria for eligibility, obligated service, application process and restrictions—including whether textbooks may be included in the program. The money is usually paid directly to the institution by the individual services.

BILL ANALYSIS: This act would include the cost of textbooks in the tuition costs for military members who are attending community colleges under the TA program, if the student's branch of service permits payment of textbook costs. In order for the cost to be covered, the books must be purchased at the college's bookstore.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

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HOUSE BILL 515
PROPOSED COMMITTEE SUBSTITUTE H515-CSRK-33 [v.2]

4/6/2011 2:14:54 PM

Short Title: Comm. Coll. Tuition for Members of Military.

(Public)

Sponsors:

Referred to:

March 30, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COSTS OF
3 TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED
4 SERVICES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115D-39 is amended by adding a new subsection to read:

7 "(d) Community colleges may add the cost of textbooks purchased at the college's
8 bookstore to the tuition rates established pursuant to subsection (a) of this section for all
9 purposes associated with billing the armed services for the enrollment of members of the armed
10 services, as defined in G.S. 116-143.3, if the student's branch of the armed forces permits the
11 addition of textbooks to tuition costs in its tuition assistance program. The college may retain
12 the funds attributable to the cost of the textbooks."

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



VISITOR REGISTRATION SHEET



Domestic Security
Name of Committee

4-7-11
Date



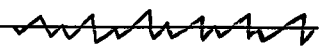
VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

TOM BOWLIN NC NG

Wayne Peedin NCDVA



Glen Batten NCDVA

Johnny McLean SBE

Vernia DeGathered SDE

Thomas C. Caves, Jr. NC Dept. of Crime Control: Public Safety

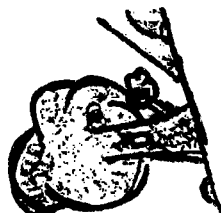
Sean Moser NC National Guard

Chn Agn DJJ

Tina Vito ACF

Hannah Silver ACF

Angy Gual N MBS-NC



VISITOR REGISTRATION SHEET

Name of Committee**Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

VISITOR REGISTRATION SHEET

Homeland Security

Name of Committee

04/07/2010

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Damon Circosta

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Barry Hu/1

NCNG

Homeland Security, Military, and Veteran Affairs Committee

Minutes

May 19, 2011

The following members were present: Representatives Cleveland, Blust, Martin, Torbett, Bell, Bradley, Floyd, Goodman, Hollo, Horn, Rapp, Sager, and Sanderson.

At 12:00 Representative Cleveland called the meeting to order. Representative Cleveland recognized and introduced the Pages and the Sergeant at Arms. Representative Floyd was recognized to inquire about a point of order. Representative Cleveland explained.

Representative Martin was recognized to discuss House Bill 799. Representative Martin explained why the bill is necessary and important. He continued to explain the language and the different sections of the bill.

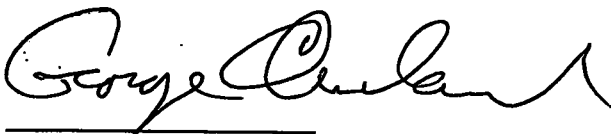
Representative Floyd was recognized to make a motion at the appropriate time. Representative Horn was recognized for a question. George Cleveland recognized Kevin Bruscher from the Department of Defense to answer the question.

Kevin Bruscher thanked the chair and the committee for allowing him to speak. He continued to express the importance of the bill to his organization and the military community at large. He gave factual information regarding the bill.

Representative Rapp was recognized for a question regarding different state's permit requirements. Representative Martin answered the question. Representative Sanderson was then recognized to ask two questions, the first was answered by Hal Pell, staff. The follow-up was a question to clarify some of the language, which staff did.

Representative Floyd was recognized to speak in support of the bill. Representative Bradley was recognized to also speak in favor of the bill. Representative Floyd moved for a favorable report with a referral to the Committee on Finance.

Representative Cleveland called the vote and the motion passed unanimously.



Representative George Cleveland

Chairman



Bradley C Trahan

Committee Assistant

Homeland Security, Military, & Veterans Affairs

May 19, 2011

12:00 pm

Room 1425 LB

Agenda

Chairs: Representative Ric Killian

Representative George Cleveland

Vice Chairs: Representative John Blust

Representative Grier Martin

Representative John Torbett

- Call to Order
- Opening Remarks
- Introductions (Sergeant at Arms, Pages, Staff)
- House Bill 799
- Adjournment



HOUSE BILL 799: Licensure by Endorsement/Military/Spouses

2011-2012 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Finance	Date:	May 19, 2011
Introduced by:	Reps. Martin, Killian	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Counsel

SUMMARY: *This act provides for the issuance of an occupational license, certification, or registration to military-trained applicants or a military spouse under certain conditions. Within one year of the effective date of the act, occupational licensing boards are required to implement the provisions of the act.*

CURRENT LAW: An "occupational licensing board" means any board, committee, commission, or other agency in North Carolina which is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses; "occupational licensing board" does not include State agencies, staffed by full time State employees, which as a part of their regular functions may issue licenses.

BILL ANALYSIS:

- The act directs occupational licensing boards to issue a license, certification, or registration to an applicant who is military-trained or a military spouse to allow the military-trained applicant or the military spouse applicant to lawfully practice the applicant's occupation on this state.
- A military trained applicant must have been
 - Awarded a military occupational specialty in which the applicant has performed at a level that is substantially equivalent to or exceeds the requirements of the occupational licensing board.
 - Completed a military program of training.
 - Engaged in the practice of the occupation for which the person is seeking a license, certification, or permit for at least two of the five years preceding the date of the application.
- A military trained spouse must meet certain specified requirements that include
 - Holding a current license, certification, or registration from another jurisdiction with requirements substantially equivalent to or in excess of the requirements of this state's occupational licensing board and
 - Possession of continuing education credit or recent experience for at least two of the five years preceding the date of the application under this section.
- The act provides for credit for all relevant experience for a military service member or a military spouse and provides for the same rights and obligations for a nonresident licensed, certified, or registered under this section as required of a resident licensed, certified, or registered by an occupational licensing board in this state.
- The act includes provisions for the issuance of a temporary practice permit.

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative Cleveland, Killian (Chairs) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 799 A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSURE BY ENDORSEMENT
FOR MILITARY PERSONNEL AND MILITARY SPOUSES.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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1

HOUSE BILL 799

Short Title: Licensure by Endorsement/Military/Spouses. (Public)
Sponsors: Representatives Martin and Killian (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.
Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Finance.

April 7, 2011

A BILL TO BE ENTITLED
AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL
AND MILITARY SPOUSES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 93B of the General Statutes is amended by adding a new section to read:

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

(a) Notwithstanding any other provision of law, an occupational 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, the applicant satisfies the following conditions:

- (1) Has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for licensure, certification, or registration of the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.
- (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 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.
- (4) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.

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

- (1) Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification,



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1 or registration are substantially equivalent to or exceed the requirements for
2 licensure, certification, or registration of the occupational licensing board for
3 which the applicant is seeking licensure, certification, or registration in this
4 State.

5 (2) Can demonstrate competency in the occupation through methods as
6 determined by the Board, such as having completed continuing education
7 units or having had recent experience for at least two of the five years
8 preceding the date of the application under this section.

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

12 (4) Is in good standing and has not been disciplined by the agency that had
13 jurisdiction to issue the license, certification, or permit.

14 (5) Pays any fees required by the occupational licensing board for which the
15 applicant is seeking licensure, certification, or registration in this State.

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

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

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

26 (f) An occupational licensing board may issue a temporary practice permit to a
27 military-trained applicant or military spouse licensed, certified, or registered in another
28 jurisdiction while the military-trained applicant or military spouse is satisfying the
29 requirements for licensure under subsection (a) or (b) of this section if that jurisdiction has
30 licensure, certification, or registration standards substantially equivalent to the standards for
31 licensure, certification, or registration of an occupational licensing board in this State. The
32 military-trained applicant or military spouse may practice under the temporary permit until a
33 license, certification, or registration is granted or until a notice to deny a license, certification,
34 or registration is issued in accordance with rules adopted by the occupational licensing board.

35 (g) An occupational licensing board may adopt rules necessary to implement this
36 section.

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

40 **SECTION 2.** Within one year from the effective date of this act, each occupational
41 licensing board regulating an occupation in this State and subject to the provisions of Chapter
42 93B of the General Statutes shall implement the requirements of G.S. 93B-15.1, as enacted by
43 Section 1 of this act.

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

House Bill 799

Page 2

- The practice of law is excluded from the act.
- A military trained applicant or a military spouse applicant may seek licensure, certification or registration under the existing requirements established by an occupational licensing board.

EFFECTIVE DATE: Each occupational licensing board is to implement the new statute within one year from the effective date of this act.

H799-SMRK-62(e1) v3

ROLL CALL VOTE

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

HB# _____

SB# _____

HOUSE STANDING COMMITTEE ON Homeland Security Military & Veteran's Affairs

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
------------	-----------	---------------------------	------------	-----------	---------------------------

Killian, Ric

Cleveland, George

 Blust, John ,

Martin, Grier

 Torbett, John

 Barnhart, Jeff

_____ Bell, Larry

Bradley, Glen -

Floyd, Elmer

Goodman, Ken

Hollo, Mark

Horn, Craig

Parfitt, Dianne

 Rapp, Ray

_____ Sager, Efton

Sanderson, Norman

Wainwright, William

PUBLIC BILL

H.B. 0799

SESSION LAW

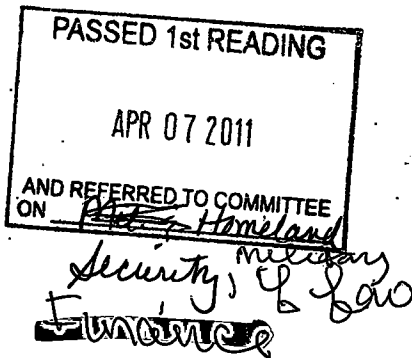
A BILL TO BE ENTITLED

AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL AND MILITARY SPOUSES.

MPD *DS*
Introduced by Representative(s): Martin and Killian (Primary Sponsors).

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only



House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Homeland Security, Military & Veterans Affairs

DATE: 5-19-11

Room: 1425

*Name: Emma Blackwell

County: Halifax

Sponsor: Paul Stam

*Name: Elisabeth Moore

County: Transylvania

Sponsor: Luise

*Name: Julia Oakley

County: Onslow

Sponsor: Phillip Shepard

*Name: _____

County: _____

Sponsor: _____

*Name: _____

County: _____

Sponsor: _____

House Sgt-At Arms:

1. Name: Billy Jones

4. Name: _____

2. Name: Doug Harris

5. Name: _____

3. Name: _____

6. Name: _____

May 19, 2011
Date

[illegible]

VISITOR REGISTRATION SHEET

Name of Committee	Date
Homeland Security, Veteran Affairs	May 19, 2011

May 19, 2011
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

[illegible]