

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE DRH70049-MDz-45 (02/16)

Short Title: References to Military Orgs./Make Uniform.

(Public)

Sponsors: Representative Ross.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE REFERENCES IN THE NORTH CAROLINA GENERAL STATUTES  
3 TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND  
4 UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY  
5 SESSION LAW 2010-152, AND TO MAKE CONFORMING CHANGES AND OTHER  
6 TECHNICAL CORRECTIONS TO THOSE SECTIONS, AS RECOMMENDED BY THE  
7 GENERAL STATUTES COMMISSION.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 1-82 reads as rewritten:

10 "**§ 1-82. Venue in all other cases.**

11 In all other cases the action must be tried in the county in which the plaintiffs or the  
12 defendants, or any of them, reside at its commencement, or if none of the defendants reside in  
13 the State, then in the county in which the plaintiffs, or any of them, reside; and if none of the  
14 parties reside in the State, then the action may be tried in any county which the plaintiff  
15 designates in ~~his~~ the plaintiff's summons and complaint, subject to the power of the court to  
16 change the place of trial, in the cases provided by statute; provided that any person who has  
17 resided on or been stationed in a United States ~~army, navy, marine corps, coast guard or air~~  
18 ~~force~~ Army, Navy, Marine Corps, Coast Guard, or Air Force installation or reservation within  
19 this State for a period of one (1) year or more next preceding the institution of an action shall  
20 be deemed a resident of the county within which such installation or reservation, or part  
21 thereof, is situated and of any county adjacent to such county where such person stationed at  
22 such installation or reservation lives in such adjacent county, for the purposes of this section.  
23 The term person shall include military personnel and the spouses and dependents of such  
24 personnel."

25 **SECTION 2.** G.S. 7B-101(14) reads as rewritten:

26 "(14) Juvenile. – A person who has not reached the person's eighteenth birthday  
27 and is not married, emancipated, or a member of the ~~armed forces~~ Armed  
28 Forces of the United States."

29 **SECTION 3.** G.S. 7B-600(a) reads as rewritten:

30 "(a) In any case when no parent appears in a hearing with the juvenile or when the court  
31 finds it would be in the best interests of the juvenile, the court may appoint a guardian of the  
32 person for the juvenile. The guardian shall operate under the supervision of the court with or  
33 without bond and shall file only such reports as the court shall require. The guardian shall have  
34 the care, custody, and control of the juvenile or may arrange a suitable placement for the  
35 juvenile and may represent the juvenile in legal actions before any court. The guardian may



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1 consent to certain actions on the part of the juvenile in place of the parent including (i)  
2 marriage, (ii) enlisting in the ~~armed forces~~, Armed Forces of the United States, and (iii)  
3 enrollment in school. The guardian may also consent to any necessary remedial, psychological,  
4 medical, or surgical treatment for the juvenile. The authority of the guardian shall continue  
5 until the guardianship is terminated by court order, until the juvenile is emancipated pursuant to  
6 Article 35 of Subchapter IV of this Chapter, or until the juvenile reaches the age of majority."

7 **SECTION 4.** G.S. 7B-1501(17) reads as rewritten:

8 "(17) Juvenile. – Except as provided in subdivisions (7) and (27) of this section,  
9 any person who has not reached the person's eighteenth birthday and is not  
10 married, emancipated, or a member of the ~~armed forces~~ Armed Forces  
11 of the United States. Wherever the term "juvenile" is used with reference to  
12 rights and privileges, that term encompasses the attorney for the juvenile as  
13 well."

14 **SECTION 5.** G.S. 7B-2001 reads as rewritten:

15 **"§ 7B-2001. Appointment of guardian.**

16 In any case when no parent, guardian, or custodian appears in a hearing with the juvenile or  
17 when the court finds it would be in the best interests of the juvenile, the court may appoint a  
18 guardian of the person for the juvenile. The guardian shall operate under the supervision of the  
19 court with or without bond and shall file only such reports as the court shall require. Unless the  
20 court orders otherwise, the guardian:

21 ...

22 (3) May consent to certain actions on the part of the juvenile in place of the  
23 parent or custodian, including (i) marriage, (ii) enlisting in the ~~armed forces~~,  
24 Armed Forces of the United States, and (iii) enrollment in school.

25 ...."

26 **SECTION 6.** G.S. 7B-3402 reads as rewritten:

27 **"§ 7B-3402. Exceptions.**

28 This Article shall not apply to any juvenile under the age of 18 who is married or who is  
29 serving in the ~~armed forces~~ Armed Forces of the United States, or who has been emancipated."

30 **SECTION 7.** G.S. 10B-20(g) reads as rewritten:

31 "(g) Persons authorized by federal law or regulation to perform notarial acts may  
32 perform the acts for persons serving in or with the Armed Forces of the United States ~~armed~~  
33 ~~forces~~, States, their spouses, and their dependents."

34 **SECTION 8.** G.S. 14-34.3(b)(1) reads as rewritten:

35 "(b) This section does not apply to:

36 (1) Officers and enlisted personnel of the ~~armed forces~~ Armed Forces of the  
37 United States when in discharge of their official duties as such and acting  
38 under orders requiring them to carry arms or weapons, civil officers of the  
39 United States while in the discharge of their official duties, officers and  
40 soldiers of the militia when called into actual service, officers of the State, or  
41 of any county, city or town, charged with the execution of the laws of the  
42 State, when acting in the discharge of their official duties;"

43 **SECTION 9.** G.S. 14-269.7(b)(1) reads as rewritten:

44 "(b) This section does not apply:

45 (1) To officers and enlisted personnel of the ~~armed forces~~ Armed Forces of the  
46 United States when in discharge of their official duties or acting under orders  
47 requiring them to carry handguns."

48 **SECTION 10.** G.S. 14-288.1 reads as rewritten:

49 **"§ 14-288.1. Definitions.**

50 Unless the context clearly requires otherwise, the definitions in this section apply  
51 throughout this Article:

1 (1) "Chairman of the board of county commissioners": The chairman of the  
 2 board of county commissioners or, in case of ~~his~~ the chairman's absence or  
 3 disability, the person authorized to act in ~~his~~ the chairman's stead. Unless  
 4 the governing body of the county has specified who is to act in lieu of the  
 5 chairman with respect to a particular power or duty set out in this Article, the  
 6 term "chairman of the board of county commissioners" shall apply to the  
 7 person generally authorized to act in lieu of the chairman.

8 ...  
 9 (5) "Law-enforcement officer": Any officer of the State of North Carolina or  
 10 any of its political subdivisions authorized to make arrests; any other person  
 11 authorized under the laws of North Carolina to make arrests and either acting  
 12 within ~~his~~ that person's territorial jurisdiction or in an area in which ~~he~~ that  
 13 person has been lawfully called to duty by the Governor or any mayor or  
 14 chairman of the board of county commissioners; any member of the ~~armed~~  
 15 ~~forces~~ Armed Forces of the United States, the North Carolina National  
 16 Guard, or the ~~State defense militia~~ North Carolina State Defense Militia  
 17 called to duty in a state of emergency in North Carolina and made  
 18 responsible for enforcing the laws of North Carolina or preserving the public  
 19 peace; or any officer of the United States authorized to make arrests without  
 20 warrant and assigned to duties that include preserving the public peace in  
 21 North Carolina.

22 (6) "Mayor": The mayor or other chief executive official of a municipality or, in  
 23 case of ~~his~~ that person's absence or disability, the person authorized to act in  
 24 ~~his~~ that person's stead. Unless the governing body of the municipality has  
 25 specified who is to act in lieu of the mayor with respect to a particular power  
 26 or duty set out in this Article, the word "mayor" shall apply to the person  
 27 generally authorized to act in lieu of the mayor.

28 ...."

29 **SECTION 11.** G.S. 14-288.20(a)(4) reads as rewritten:

30 "(4) The term "law-enforcement officer" means any officer of the United States,  
 31 any state, any political subdivision of a state, or the District of Columbia  
 32 charged with the execution of the laws thereof; civil officers of the United  
 33 States; officers and soldiers of the organized militia and state guard of any  
 34 state or territory of the United States, the Commonwealth of Puerto Rico, or  
 35 the District of Columbia; and members of the ~~armed forces~~ Armed Forces of  
 36 the United States."

37 **SECTION 12.** G.S. 14-401.6(a)(1) reads as rewritten:

38 "(1) By officers and enlisted personnel of the ~~armed forces~~ Armed Forces of the  
 39 United States or this State while in the discharge of their official duties and  
 40 acting under orders requiring them to carry arms or weapons;".

41 **SECTION 13.** G.S. 14-404(c)(6) reads as rewritten:

42 "(6) One who has been discharged from the ~~armed forces~~ Armed Forces of the  
 43 United States under dishonorable conditions."

44 **SECTION 14.** G.S. 14-415.4(e)(5) reads as rewritten:

45 "(5) The petitioner is or has been dishonorably discharged from the ~~armed forces~~.  
 46 Armed Forces of the United States."

47 **SECTION 15.** G.S. 14-415.10(2a) reads as rewritten:

48 "(2a) Military permittee. – A person who holds a permit who is also a member of  
 49 the ~~armed forces~~ Armed Forces of the United States, the ~~armed forces~~  
 50 ~~reserves~~ reserve components of the Armed Forces of the United States, the

- 1 North Carolina Army National Guard, or the North Carolina Air National  
2 Guard."
- 3 **SECTION 16.** G.S. 14-415.12(b)(7) reads as rewritten:  
4 "(7) Is or has been discharged from the ~~armed forces~~ Armed Forces of the United  
5 States under conditions other than honorable."
- 6 **SECTION 17.** G.S. 15A-1340.11(7)c. reads as rewritten:  
7 "c. In the courts of the United States, another state, the ~~armed services~~  
8 Armed Forces of the United States, or another country, regardless of  
9 whether the offense would be a crime if it occurred in North  
10 Carolina,".
- 11 **SECTION 18.** G.S. 15A-1340.16(e)(14) reads as rewritten:  
12 "(14) The defendant has been honorably discharged from the ~~United States armed~~  
13 ~~services~~ Armed Forces of the United States."
- 14 **SECTION 19.** G.S. 18B-109(b) reads as rewritten:  
15 "(b) Armed Forces Installation. – No person shall have malt beverages or unfortified  
16 wine shipped directly from a point outside this State to an ~~armed forces~~ installation of the  
17 Armed Forces of the United States within this State if those alcoholic beverages are for resale  
18 on the installation."
- 19 **SECTION 20.** G.S. 18B-203(a)(17) reads as rewritten:  
20 "(17) Provide for the distribution of spirituous liquor to ~~armed forces~~ installations  
21 of the Armed Forces of the United States within this State for resale on the  
22 installation;".
- 23 **SECTION 21.** G.S. 20-7(f) reads as rewritten:  
24 "(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed  
25 pursuant to the provisions of this subsection:  
26 ...  
27 (3b) Renewal for certain members of the Armed Forces of the United States and  
28 reserve components of the Armed Forces of the United States.  
29 a. The Division may renew a drivers license, without limitation on the  
30 period of time before the license expires, if the person applying for  
31 renewal is a member of the Armed Forces of the United States or of a  
32 reserve component of the Armed Forces of the United States and  
33 provides orders that place the member on active duty and duty station  
34 outside this State.  
35 b. A person who is a member of a reserve component of the Armed  
36 Forces of the United States whose license bears an expiration date  
37 that occurred while the person was on active duty outside this State  
38 shall be considered to have a valid license until 60 days after the date  
39 of release from active duty upon showing proof of the release date,  
40 unless the license was rescinded, revoked, or otherwise invalidated  
41 under some other provision of law. Notwithstanding the provisions of  
42 this sub-subdivision, no license shall be considered valid more than  
43 18 months after the date of expiration.
- 44 (4) Renewal by mail. – The Division may renew by mail a drivers license issued  
45 by the Division to a person who meets any of the following descriptions:  
46 a. Is a member of the Armed Forces of the United States or a reserve  
47 component of the Armed Forces of the United States serving on  
48 active duty and is stationed outside this State.  
49 b. Is a resident of this State and has been residing outside the State for  
50 at least 30 continuous days.

1 When renewing a license by mail, the Division may waive the examination  
2 that would otherwise be required for the renewal and may impose any  
3 conditions it finds advisable. A license renewed by mail is a temporary  
4 license that expires 60 days after the person to whom it is issued returns to  
5 this State.

6 ...."

7 **SECTION 22.** G.S. 20-37.13 reads as rewritten:

8 "**§ 20-37.13. Commercial drivers license qualification standards.**

9 (a) No person shall be issued a commercial drivers license unless ~~he~~: the person:

10 (1) Is a resident of this State;

11 (2) Is 21 years of age;

12 (3) Has passed a knowledge test and a skills test for driving a commercial motor  
13 vehicle that comply with minimum federal standards established by federal  
14 regulation enumerated in 49 C.F.R., Part 383, Subparts F, G and H; and

15 (4) Has satisfied all other requirements of the Commercial Motor Vehicle Safety  
16 Act in addition to other requirements of this Chapter or federal regulation.

17 For the purpose of skills testing and determining commercial drivers license classification,  
18 only the manufacturer's GVWR shall be used.

19 The tests shall be prescribed and conducted by the Division. Provided, a person who is at  
20 least 18 years of age may be issued a commercial drivers license if ~~he~~the person is exempt  
21 from, or not subject to, the age requirements of the federal Motor Carrier Safety Regulations  
22 contained in 49 C.F.R., Part 391, as adopted by the Division.

23 ...

24 (c) Prior to October 1, 1992, the Division may waive the skills test for applicants  
25 licensed at the time they apply for a commercial drivers license if:

26 (1) For an application submitted by April 1, 1992, the applicant has not, and  
27 certifies that he or she has not, at any time during the two years immediately  
28 preceding the date of application done any of the following and for an  
29 application submitted after April 1, 1992, the applicant has not, and certifies  
30 that he or she has not, at any time during the two years preceding April 1,  
31 1992:

32 a. Had more than one drivers license, except during the 10-day period  
33 beginning on the date he or she is issued a drivers license, or unless,  
34 prior to December 31, 1989, he or she was required to have more  
35 than one license by a State law enacted prior to June 1, 1986;

36 b. Had any drivers license or driving privilege suspended, revoked, or  
37 cancelled;

38 c. Had any convictions involving any kind of motor vehicle for the  
39 offenses listed in G.S. 20-17 or had any convictions for the offenses  
40 listed in G.S. 20-17.4;

41 d. Been convicted of a violation of State or local laws relating to motor  
42 vehicle traffic control, other than a parking violation, which violation  
43 arose in connection with any reportable traffic accident; or

44 e. Refused to take a chemical test when charged with an implied  
45 consent offense, as defined in G.S. 20-16.2; and

46 (2) The applicant certifies, and provides satisfactory evidence, that he or she is  
47 regularly employed in a job requiring the operation of a commercial motor  
48 vehicle, and he or she either:

49 a. Has previously taken and successfully completed a skills test that  
50 was administered by a state with a classified licensing and testing  
51 system and the test was behind the wheel in a vehicle representative

1 of the class and, if applicable, the type of commercial motor vehicle  
2 for which the applicant seeks to be licensed; or  
3 b. Has operated for the relevant two-year period under subpart (1)a. of  
4 this subsection, a vehicle representative of the class and, if  
5 applicable, the type of commercial motor vehicle for which the  
6 applicant seeks to be licensed.  
7 (c1) The Division may waive the skills test for applicants at the time they apply for a  
8 commercial drivers license if the applicant meets all of the following:

9 ...  
10 (3) The applicant certifies, and provides satisfactory evidence on the date of  
11 application, that the applicant is a member of an active or reserve component  
12 of ~~a branch of the United States Armed Forces~~ the Armed Forces of the  
13 United States and is regularly employed in a job requiring the operation of a  
14 commercial motor vehicle, and the applicant either:  
15 ...

16 (d) A commercial drivers license or learner's permit shall not be issued to a person  
17 while ~~he~~ the person is subject to a disqualification from driving a commercial motor vehicle, or  
18 while ~~his~~ the person's drivers license is suspended, revoked, or cancelled in any state; nor shall  
19 a commercial drivers license be issued unless the person who has applied for the license first  
20 surrenders all other drivers licenses issued by the Division or by another state. If a person  
21 surrenders a drivers license issued by another state, the Division must return the license to the  
22 issuing state for cancellation.

23 ...."

24 **SECTION 23.** G.S. 20-79.4(b) reads as rewritten:

25 "(b) Types. – The Division shall issue the following types of special registration plates:

26 ...  
27 (33) Cold War Veteran. – Issuable to a veteran of the ~~armed services~~ Armed  
28 Forces of the United States who served during the Cold War era, September  
29 2, 1945, through December 26, 1991, and who was separated from the ~~armed~~  
30 ~~services~~ Armed Forces of the United States under honorable conditions. The  
31 plate shall bear the words "Cold War Veteran" and an insignia representing  
32 the Cold War era. The Division may not issue the plate authorized by this  
33 subdivision unless it receives at least 300 applications for the plate.

34 ...  
35 (36) Combat Veteran. – Issuable to a veteran of the Armed Forces of the United  
36 States who served in a combat zone, or in waters adjacent to a combat zone,  
37 during a period of war and who was separated from the Armed Forces of the  
38 United States under honorable conditions. The Division may not issue the  
39 plate authorized by this subdivision unless it receives at least 300  
40 applications for the plate. A "period of war" is any of the following:

41 ...  
42 (87) Military Veteran. – Issuable to an individual who served honorably in the  
43 ~~armed services~~ Armed Forces of the United States. The plate shall bear the  
44 words "U.S. Military Veteran" and the name and insignia of the branch of  
45 service in which the individual served. The Division may not issue the plate  
46 authorized by this subdivision unless it receives at least 300 applications for  
47 the plate.

48 (88) Military Wartime Veteran. – Issuable to either a member or veteran of the  
49 ~~armed services~~ Armed Forces of the United States who served during a  
50 period of war who received a campaign or expeditionary ribbon or medal for  
51 their service. If the person is a veteran of the ~~armed services~~, Armed Forces

1 of the United States, then the veteran must be separated from the ~~armed~~  
2 ~~services-Armed Forces of the United States~~ under honorable conditions. The  
3 plate shall bear a word or phrase identifying the period of war and a replica  
4 of the campaign badge or medal awarded for that war. The Division may not  
5 issue the plate authorized by this subdivision unless it receives a total of 300  
6 applications for all periods of war, combined, to be represented on this plate.  
7 A "period of war" is any of the following:

8 ...  
9 (113) Prisoner of War. – Issuable to the following:

- 10 a. A member or veteran member of the Armed Forces of the United  
11 States who has been captured and held prisoner by forces hostile to  
12 the United States while serving in the ~~Armed Forces~~Forces of the  
13 United States.  
14 b. The surviving spouse of a person who had a prisoner of war plate at  
15 the time of death so long as the surviving spouse continues to renew  
16 the plate and does not remarry.

17 ...."

18 **SECTION 24.** G.S. 20-311(g) reads as rewritten:

19 "(g) Notwithstanding the penalty and restoration fee provisions of this section, any  
20 monetary penalty or restoration fee shall be waived for any person who, at the time of  
21 notification of a lapse in coverage, was deployed as a member of the ~~United States-Armed~~  
22 Forces of the United States outside of the continental United States for a total of 45 or more  
23 days. In addition, no insurance points under the Safe Driver Incentive Plan shall be assessed for  
24 any violation for which a monetary penalty or restoration fee is waived pursuant to this  
25 subsection. Any person qualifying under this subsection shall:

- 26 (1) Have an affirmative defense to any criminal charge based upon the failure to  
27 return any registration card or registration plate to the Division;  
28 (2) Upon reregistration, receive without cost from the Division all necessary  
29 registration cards or plates; and  
30 (3) Upon notice of revocation, be permitted to transfer the vehicle's registration  
31 immediately to his or her spouse, child, or spouse's child, notwithstanding  
32 the provisions of subsection (e) of this section."

33 **SECTION 25.** G.S. 28B-1 reads as rewritten:

34 **"§ 28B-1. Absentee in military service; definition.**

35 Any person serving in or with the ~~armed forces-Armed Forces~~ of the United States, in or  
36 with the Red Cross, in or with the ~~merchant marines,- United States Merchant Marine,~~  
37 any time when a state of hostilities exists between the United States and any other power, who  
38 has been reported or listed by the appropriate federal agency as missing in action or as a  
39 prisoner of war for a period of one year, shall be an "absentee in military service" within the  
40 meaning of this Chapter."

41 **SECTION 26.** G.S. 28C-20 reads as rewritten:

42 **"§ 28C-20. Provisions applicable to person held incommunicado in foreign country.**

43 As to a person who is known to be held incommunicado in a foreign country, G.S. 28C-1  
44 through 28C-8 and G.S. 28C-10 may be applied as though ~~such the~~ person were an absentee  
45 within the meaning of this Chapter, and if ~~his the~~ person's whereabouts becomes unknown, the  
46 other provisions of this Chapter may be applied by such amendments to the pending proceeding  
47 as may be required. This section shall not apply to personnel serving in or with the ~~armed~~  
48 ~~forces,-Armed Forces of the United States,~~ the ~~merchant marine,-United States Merchant~~  
49 Marine, or the Red Cross during a period of hostilities between the United States and some  
50 other power who are listed by the appropriate federal agency as prisoners of war or as missing  
51 in action."

1           **SECTION 27.** G.S. 31-18.4 reads as rewritten:

2   "**§ 31-18.4. Probate of wills of members of the ~~armed forces~~ Armed Forces of the United**  
3       **States.**

4       In addition to the methods already provided in existing statutes therefor, a will executed by  
5       a person while in the ~~armed forces~~ Armed Forces of the United States or the ~~merchant~~  
6       ~~marine~~ United States Merchant Marine shall be admitted to probate (whether there were  
7       subscribing witnesses thereto or not, if they, or either of them, is out of the State at the time  
8       said the will is offered for probate) upon the oath of at least three credible witnesses that the  
9       signature to said the will is in the handwriting of the person whose will it purports to be. Such  
10      will so proven shall be effective to devise real property as well as to bequeath personal estate of  
11      all kinds. This section shall not apply to cases pending in courts and at issue on the date of its  
12      ratification."

13           **SECTION 28.** G.S. 35A-1228 reads as rewritten:

14   "**§ 35A-1228. Guardians of children of servicemen; allotments and allowances.**

15       In all cases where a person serving in the ~~armed forces~~ Armed Forces of the United States  
16       has made an allotment or allowance to a resident of this State who is his child or other minor  
17       dependent as provided by the Wartime Allowances to Service Men's Dependents Act or any  
18       other act of Congress, the clerk in the county of the minor's residence may act as temporary  
19       guardian, or appoint some suitable person to act as temporary guardian, of the person's minor  
20       dependent for purposes of receiving and disbursing allotments and allowance funds for the  
21       benefit of the minor dependent, when:

- 22           (1)   The other parent of the child or other minor dependent, or other person  
23                 designated in the allowance or allotment to receive and disburse such  
24                 moneys for the benefit of the minor dependent, dies or becomes mentally  
25                 incompetent; and  
26           (2)   The person serving in the ~~armed forces~~ Armed Forces of the United States is  
27                 reported as missing in action or as a prisoner of war and is unable to  
28                 designate another person to receive and disburse the allotment or allowance  
29                 to the minor dependent."

30           **SECTION 29.(a)** G.S. 42-45(a) reads as rewritten:

31       "(a)   Any member of the ~~United States Armed Forces~~ Armed Forces of the United States  
32       who (i) is required to move pursuant to permanent change of station orders to depart 50 miles  
33       or more from the location of the dwelling unit, or (ii) is prematurely or involuntarily discharged  
34       or released from active duty with the ~~United States Armed Forces~~ Armed Forces of the United  
35       States, may terminate ~~his~~ the member's rental agreement for a dwelling unit by providing the  
36       landlord with a written notice of termination to be effective on a date stated in the notice that is  
37       at least 30 days after the landlord's receipt of the notice. The notice to the landlord must be  
38       accompanied by either a copy of the official military orders or a written verification signed by  
39       the member's commanding officer."

40           **SECTION 29.(b)** G.S. 42-45(a1) reads as rewritten:

41       "(a1)   Any member of the ~~United States Armed Forces~~ Armed Forces of the United States  
42       who is deployed with a military unit for a period of not less than 90 days may terminate ~~his~~ the  
43       member's rental agreement for a dwelling unit by providing the landlord with a written notice  
44       of termination. The notice to the landlord must be accompanied by either a copy of the official  
45       military orders or a written verification signed by the member's commanding officer.  
46       Termination of a lease pursuant to this subsection is effective 30 days after the first date on  
47       which the next rental payment is due or 45 days after the landlord's receipt of the notice,  
48       whichever is shorter, and payable after the date on which the notice of termination is  
49       delivered."

50           **SECTION 30.** G.S. 47-2 reads as rewritten:

51   "**§ 47-2. Officials of the United States, foreign countries, and sister states.**



1 The execution of all such instruments and writings as are permitted or required by law to be  
 2 registered may be proved or acknowledged before any one of the following officials of the  
 3 United States, of the District of Columbia, of the several states and territories of the United  
 4 States, of countries under the dominion of the United States and of foreign countries: Any  
 5 judge of a court of record, any clerk of a court of record, any notary public, any commissioner  
 6 of deeds, any commissioner of oaths, any mayor or chief magistrate of an incorporated town or  
 7 city, any ambassador, minister, consul, vice-consul, consul general, vice-consul general,  
 8 associate consul, or any other person authorized by federal law to acknowledge documents as  
 9 consular officers, or commercial agent of the United States, any justice of the peace of any state  
 10 or territory of the United States, any officer of the ~~army or air force of the United States~~ Army  
 11 or Air Force or United States ~~marine corps~~ Marine Corps having the rank of warrant officer or  
 12 higher, any officer of the United States ~~navy~~ Navy or ~~east guard~~ Coast Guard having the rank  
 13 of warrant officer, or higher, or any officer of the United States ~~merchant marine~~ Merchant  
 14 Marine having the rank of warrant officer, or higher. No official seal shall be required of ~~said~~  
 15 ~~military, naval, a military~~ or merchant marine ~~official, officer~~, but ~~he the officer~~ shall sign ~~his~~  
 16 ~~the officer's~~ name, designate ~~his the officer's~~ rank, and give the name of ~~his the officer's~~ ship or  
 17 military organization and the date, and for the purpose of certifying ~~said the~~ acknowledgment,  
 18 ~~he the officer~~ shall use a form in substance as follows:

19 On this the \_\_\_ day of \_\_\_, \_\_\_, before me \_\_\_, the undersigned officer, personally  
 20 appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be accompanying or serving in  
 21 or with the ~~armed forces~~ Armed Forces of the United States (or to be the spouse of a person  
 22 accompanying or serving in or with the ~~armed forces~~ Armed Forces of the United States) and  
 23 to be the person whose name is subscribed to the within instruments and acknowledged that  
 24 \_\_\_ ~~he the person~~ \_\_\_ executed the same for the purposes therein contained. And the  
 25 undersigned does further certify that ~~he the undersigned~~ is at the date of this certificate a  
 26 commissioned officer of the rank stated below and is in the active service of the ~~armed forces~~  
 27 Armed Forces of the United States.

28  
 29  
 30 \_\_\_\_\_  
 Signature of Officer

31  
 32  
 33  
 34 \_\_\_\_\_  
 Rank of Officer and command to which attached.

35 If the proof or acknowledgment of the execution of an instrument is had before a justice of  
 36 the peace of any state of the United States other than this State or of any territory of the United  
 37 States, the certificate of ~~such the~~ justice of the peace shall be accompanied by a certificate of  
 38 the clerk of some court of record of the county in which ~~such the~~ justice of the peace resides,  
 39 which certificate of the clerk shall be under ~~his the clerk's~~ hand and official seal, to the effect  
 40 that ~~such the~~ justice of the peace was at the time the certificate of ~~such justice~~ the justice bears  
 41 date an acting justice of the peace of ~~such the~~ county and state or territory and that the genuine  
 42 signature of ~~such the~~ justice of the peace is set to ~~such the~~ certificate."

43 **SECTION 31.** G.S. 47-2.1 reads as rewritten:

44 "**§ 47-2.1. Validation of instruments proved before officers of certain ranks.**

45 Any instrument or writing, required by law to be proved or acknowledged before an officer,  
 46 which prior to the ratification of this section was proved or acknowledged before an officer of  
 47 the United States ~~army or United States marine corps~~ Army or Marine Corps having the rank of  
 48 second lieutenant or higher, or any officer of the United States ~~navy~~ Navy, or United States  
 49 ~~east guard~~ Coast Guard, or United States ~~merchant marine~~ Merchant Marine, having the rank  
 50 of ensign or higher, is hereby validated and declared sufficient for all purposes."

51 **SECTION 32.** G.S. 47-81.2 reads as rewritten:

1 "§ 47-81.2. ~~Before army,~~ United States Army, etc., officers.

2 In all cases where instruments and writings have been proved or acknowledged before any  
3 officer of the ~~army of the United States or United States marine corps~~ Army or Marine Corps  
4 having the rank of captain or higher, before any officer of the United States ~~navy or coast guard~~  
5 Navy or Coast Guard having the rank of lieutenant, senior grade, or higher, or any officer of the  
6 United States ~~merchant marine~~ Merchant Marine having the rank of lieutenant, senior grade, or  
7 higher, such proofs or acknowledgments, where valid in other respects, are hereby ratified,  
8 confirmed and declared valid."

9 **SECTION 33.** The title of Article 5 of Chapter 47 of the General Statutes reads as  
10 rewritten:

11 "Article 5.

12 Registration of Official Discharges from the ~~Military and Naval~~ Armed Forces of the United  
13 States."

14 **SECTION 34.** G.S. 47-109 reads as rewritten:

15 "§ 47-109. **Book for record of discharges in office of register of deeds; specifications.**

16 There shall be provided, and at all times maintained, in the office of the register of deeds of  
17 each county in North Carolina a special and permanent book, in which shall be recorded  
18 official discharges from the ~~army, navy, marine corps~~ United States Army, Navy, Marine Corps  
19 and other branches of the ~~armed forces~~ Armed Forces of the United States. ~~Said~~ The book  
20 shall be securely bound, and the pages of the ~~same~~ book shall be printed in the form of  
21 discharge papers, with sufficient blank lines for the recording of such dates as may be  
22 contained in the discharge papers offered for registration."

23 **SECTION 35.** G.S. 47-110 reads as rewritten:

24 "§ 47-110. **Registration of official discharge or certificate of lost discharge.**

25 Upon the presentation to the register of deeds of any county of any official discharge, or  
26 official certificate of lost discharge, from the ~~army, navy, marine corps,~~ United States Army,  
27 Navy, Marine Corps, or any other branch of the ~~armed forces~~ Armed Forces of the United  
28 States ~~he~~ the register of deeds shall record the same without charge in the book provided for in  
29 G.S. 47-109."

30 **SECTION 36.** G.S. 47-111 reads as rewritten:

31 "§ 47-111. **Inquiry by register of deeds; oath of applicant.**

32 If any register of deeds shall be in doubt as to whether or not any paper so presented for  
33 registration is an official discharge from the ~~army, navy, or marine corps of the United States,~~  
34 United States Army, Navy, Marine Corps, or any other branch of the Armed Forces of the  
35 United States or an official certificate of lost discharge, ~~he~~ the register of deeds shall have  
36 power to examine, under oath, the person so presenting such discharge, or otherwise inquire  
37 into its validity; and every register of deeds to whom a discharge or certificate of lost discharge  
38 is presented for registration shall administer to the person offering such discharge or certificate  
39 of lost discharge for registration the following oath, to be recorded with and form a part of the  
40 registration of such discharge or certificate of lost discharge:

41 'I, \_\_\_\_\_, being duly sworn, depose and say that the foregoing discharge (or  
42 certificate of lost discharge) is the original discharge (or certificate of lost discharge) issued to  
43 me by the government of the United States; and that no alterations have been made therein by  
44 me, or by any person to my knowledge.

45  
46 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ \_\_\_\_\_  
47 \_\_\_\_\_".

48 **SECTION 37.** G.S. 47-113 reads as rewritten:

49 "§ 47-113. **Certified copy of registration.**

50 Any person desiring a certified copy of any such discharge, or certificate of lost discharge,  
51 registered under the provisions of this Article shall apply for the same to the register of deeds

1 of the county in which such discharge or certificate of lost discharge is registered. The register  
2 of deeds shall furnish certified copies of instruments registered under this Article without  
3 charge to any member or former member of the ~~armed forces~~ Armed Forces of the United  
4 States who applies therefor."

5 **SECTION 38.** G.S. 47-113.2(b)(3) reads as rewritten:

6 "(3) Military discharge document. – Any document that purports to represent a  
7 notice of separation from or service in ~~any armed forces~~ the Armed Forces  
8 of the United States or armed forces of any state, including, but not limited  
9 to, Department of Defense Form 214 or 215, WD AGO 53, WD AGO 55,  
10 WD AGO 53-55, NAVMC 78-PD, and NAVPERS 553, ~~or any other letter~~  
11 ~~relating to the separation from the armed forces.~~ 553."

12 **SECTION 39.** G.S. 50-18 reads as rewritten:

13 **"§ 50-18. Residence of military personnel; payment of defendant's travel expenses by**  
14 **plaintiff.**

15 In any action instituted and prosecuted under this Chapter, allegation and proof that the  
16 plaintiff or the defendant has resided or been stationed at a United States ~~army, navy, marine~~  
17 ~~corps, coast guard or air force~~ Army, Navy, Marine Corps, Coast Guard, or Air Force  
18 installation or reservation or any other location pursuant to military duty within this State for a  
19 period of six months next preceding the institution of the action shall constitute compliance  
20 with the residence requirements set forth in this Chapter; provided that personal service is had  
21 upon the defendant or service is accepted by the defendant, within or without the State as by  
22 law provided.

23 Upon request of the defendant or attorney for the defendant, the court may order the  
24 plaintiff to pay necessary travel expenses from defendant's home to the site of the court in order  
25 that the defendant may appear in person to defend said action."

26 **SECTION 40.** G.S. 50B-3.1(k) reads as rewritten:

27 "(k) Official Use Exemption. – This section shall not prohibit law enforcement officers  
28 and members of any branch of the ~~United States armed forces,~~ Armed Forces of the United  
29 States, not otherwise prohibited under federal law, from possessing or using firearms for  
30 official use only."

31 **SECTION 41.** G.S. 53-141 reads as rewritten:

32 **"§ 53-141. Powers.**

33 Industrial banks shall have perpetual duration and succession in their corporate name unless  
34 a limited period of duration is stated in their certificate of incorporation. They shall have the  
35 powers conferred by subdivisions (1), (2), and (3) of subsection (a) of G.S. 55-3-02, and  
36 subdivision (3) of G.S. 53-43, such additional powers as may be necessary or incidental for the  
37 carrying out of their corporate purposes, and in addition thereto the following powers:

38 ...

39 (7) To transact any lawful business in aid of the United States in time of war or  
40 engagement of the ~~nation's armed forces~~ Armed Forces of the United States  
41 in hostile military operations."

42 **SECTION 42.** G.S. 58-33-66(a) reads as rewritten:

43 "(a) The Commissioner may issue a temporary insurance producer license for a period  
44 not to exceed 180 days or longer, for good cause, without requiring an examination if the  
45 Commissioner deems that the temporary license is necessary for the servicing of an insurance  
46 business in any of the following cases:

47 ...

48 (3) To the designee of a licensed insurance producer entering active service in  
49 the ~~armed forces of the United States of America.~~ Armed Forces of the  
50 United States.

(4) In any other circumstance where the Commissioner deems that the public interest will be served best by the issuance of this license."

**SECTION 43.** G.S. 58-37-1(4a) reads as rewritten:

"(4a) "Eligible risk," for the purpose of nonfleet private passenger motor vehicle insurance, means:

...

e. A nonresident of the State who is one of the following:

1. A member of the ~~armed forces~~ Armed Forces of the United States stationed in this State, or deployed outside this State from a home base in this State, who intends to return to his or her home state;
2. The spouse of a nonresident member of the ~~armed forces~~ Armed Forces of the United States stationed in this State, or deployed outside this State from a home base in this State, who intends to return to his or her home state;
3. An out-of-state student who intends to return to his or her home state upon completion of his or her time as a student enrolled in school in this State; or

...."

**SECTION 44.** G.S. 58-58-325 reads as rewritten:

"§ 58-58-325. **Scope.**

This Part applies only to the solicitation or sale of any life insurance or annuity product by an insurer or insurance producer to an active duty service member of the ~~United States armed forces~~ Armed Forces."

**SECTION 45.** G.S. 58-58-330(b) reads as rewritten:

"(b) Nothing in this Part shall be construed to abrogate the ability of nonprofit organizations (and/or other organizations) to educate members of the ~~United States armed forces~~ Armed Forces in accordance with Department of Defense ~~DoD~~ "DoD Instruction 1344.07 – Personal Commercial Solicitation on DoD ~~Installations~~ Installations" or successor directive."

**SECTION 46.** G.S. 58-58-335 reads as rewritten:

"§ 58-58-335. **Definitions.**

As used in this Part:

(1) "Active duty" means full-time duty in the active military service of the United States and includes service by members of the reserve component (National Guard and Reserve) while serving under published orders for active duty or full-time training. "Active duty" does not include service by members of the reserve component who are performing active duty or active duty for training under military calls or orders specifying periods of less than 31 calendar days.

(1a) 'Armed Forces' means all components of the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

...

(11) "Service member" means any active duty commissioned officer, any active duty warrant officer, or any active duty enlisted member of the ~~armed forces~~ Armed Forces.

...

(15) ~~"United States armed forces" or "armed forces" means all components of the Army, Navy, Air Force, Marine Corps, and Coast Guard.~~

...."

**SECTION 47.** G.S. 58-58-340 reads as rewritten:

1 "§ 58-58-340. Practices declared false, misleading, deceptive, or unfair on a military  
2 installation.

3 (a) The following acts or practices when committed on a military installation by an  
4 insurer or insurance producer with respect to the in-person, face-to-face solicitation of life  
5 insurance are declared to be false, misleading, deceptive, or unfair:

6 ...

7 (8) Knowingly accepting an application for life insurance or issuing a policy of  
8 life insurance on the life of an enlisted member of the ~~armed forces~~ Armed  
9 Forces without first obtaining for the insurer's files a completed copy of any  
10 required form that confirms that the applicant has received counseling or  
11 fulfilled any other similar requirement for the sale of life insurance  
12 established by regulations, directives, or rules of the Department of Defense  
13 or any branch of the ~~armed forces~~ Armed Forces.

14 (b) The following acts or practices when committed on a military installation by an  
15 insurer or insurance producer constitute corrupt practices, improper influences or inducements  
16 and are declared to be false, misleading, deceptive, or unfair:

17 (1) Using Department of Defense personnel, directly or indirectly, as a  
18 representative or agent in any official or business capacity with or without  
19 compensation with respect to the solicitation or sale of life insurance to  
20 service members.

21 (2) Using an insurance producer to participate in any ~~armed forces~~ Armed  
22 Forces sponsored education or orientation program."

23 **SECTION 48.(a)** G.S. 58-58-345(a) reads as rewritten:

24 "(a) The following acts or practices by an insurer or insurance producer constitute  
25 corrupt practices, improper influences or inducements and are declared to be false, misleading,  
26 deceptive, or unfair:

27 (1) Submitting, processing, or assisting in the submission or processing of any  
28 allotment form or similar device used by the ~~United States armed forces~~  
29 Armed Forces to direct a service member's pay to a third party for the  
30 purchase of life insurance. The foregoing includes, but is not limited to,  
31 using or assisting in using a service member's MyPay account or other  
32 similar Internet or electronic medium for such purposes. This subdivision  
33 does not prohibit assisting a service member by providing insurer or  
34 premium information necessary to complete any allotment form.

35 ...."

36 **SECTION 48.(b)** G.S. 58-58-345(b) reads as rewritten:

37 "(b) The following acts or practices by an insurer or insurance producer lead to  
38 confusion regarding source, sponsorship, approval, or affiliation and are declared to be false,  
39 misleading, deceptive, or unfair:

40 (1) Making any representation, or using any device, title, descriptive name, or  
41 identifier that has the tendency or capacity to confuse or mislead a service  
42 member into believing that the insurer, insurance producer, or product  
43 offered is affiliated, connected or associated with, endorsed, sponsored,  
44 sanctioned, or recommended by the U.S. Government, the ~~United States~~  
45 ~~armed forces~~ Armed Forces, or any state or federal agency or government  
46 entity. Examples of prohibited insurance producer titles include, but are not  
47 limited to, "Battalion Insurance Counselor," "Unit Insurance Advisor,"  
48 "Servicemen's Group Life Insurance Conversion Consultant," or "Veteran's  
49 Benefits Counselor." Nothing in this subdivision prohibits a person from  
50 using a professional designation awarded after the successful completion of  
51 a course of instruction in the business of insurance by an accredited

1 institution of higher learning. Those designations include, but are not limited  
 2 to, Chartered Life Underwriter (CLU), Chartered Financial Consultant,  
 3 (ChFC), Certified Financial Planner (CFP), Master of Science in Financial  
 4 Services (MSFS), or Masters of Science Financial Planning (MS).

- 5 (2) Soliciting the purchase of any life insurance product through the use of or in  
 6 conjunction with any third party organization that promotes the welfare of or  
 7 assists members of the ~~United States armed forces~~ Armed Forces in a  
 8 manner that has the tendency or capacity to confuse or mislead a service  
 9 member into believing that either the insurer, insurance producer, or  
 10 insurance product is affiliated, connected or associated with, endorsed,  
 11 sponsored, sanctioned, or recommended by the U.S. Government or the  
 12 ~~United States armed forces~~ Armed Forces."

13 **SECTION 48.(c)** G.S. 58-58-345(d) reads as rewritten:

14 "(d) The following acts or practices by an insurer or insurance producer regarding SGLI  
 15 or VGLI are declared to be false, misleading, deceptive, or unfair:

- 16 ...  
 17 (3) Suggesting, recommending, or encouraging a service member to cancel or  
 18 terminate his or her SGLI policy or issuing a life insurance policy that  
 19 replaces an existing SGLI policy unless the replacement shall take effect  
 20 upon or after the service member's separation from the ~~armed forces~~ Armed  
 21 Forces."

22 **SECTION 49.** G.S. 65-43 reads as rewritten:

23 **"§ 65-43. Definitions.**

24 For purposes of this Article, the following definitions shall apply, unless the context  
 25 requires otherwise:

- 26 (1) "Honorable military service" means:  
 27 a. Service on active duty, other than for training, as a member of the  
 28 Armed Forces of the United States, when the service was terminated  
 29 under honorable conditions;  
 30 b. Service on active duty as a member of the Armed Forces of the  
 31 United States at the time of death under honorable conditions;  
 32 c. Service on active duty for training or full-time service as a member  
 33 of ~~the Reserve~~ a reserve component of the Armed Forces of the  
 34 United States, the Army National Guard, the Air National Guard, or  
 35 the Reserve Officer Training Corps of the Army, Navy, or Air Force,  
 36 at the time of death under honorable conditions.  
 37 (2) A "legal resident" of a state means a person whose principal residence or  
 38 abode is in that state, who uses that state to establish his or her right to vote  
 39 and other rights in a state, and who intends to live in that state, to the  
 40 exclusion of maintaining a legal residence in any other state.  
 41 (3) A "qualified veteran" means a veteran who meets the requirements of  
 42 sub-subdivisions a. and b. of this subdivision:  
 43 a. A veteran who served an honorable military service or who served a  
 44 period of honorable nonregular service and is any of the following:  
 45 1. A veteran who is entitled to retired pay for nonregular service  
 46 under 10 U.S.C. §§ 12731-12741, as amended.  
 47 2. A veteran who would have been entitled to retired pay for  
 48 nonregular service under 10 U.S.C. §§ 12731-12741, as  
 49 amended, but for the fact that the person was under 60 years  
 50 of age.

- 1 3. A veteran who is eligible for interment in a national cemetery  
2 under 38 U.S.C. § 2402, as amended.  
3 b. Who is a legal resident of North Carolina:  
4 1. At the time of death, or  
5 2. For a period of at least 10 years, or  
6 3. At the time he or she entered the Armed Forces of the United  
7 States."

8 **SECTION 50.** G.S. 66-58(c)(3b) reads as rewritten:

9 "(3b) The operation of a military business center by a community college. For the  
10 purposes of this subdivision, the term "military business center" means a  
11 facility that serves to coordinate and facilitate interactions between the  
12 ~~United States Armed Forces;~~ Armed Forces of the United States; military  
13 personnel, veterans, and their families; and private businesses."

14 **SECTION 51.** G.S. 86A-14(2) reads as rewritten:

15 "(2) Commissioned medical or surgical officers of the ~~U.S. United States~~ Army  
16 or other components of the ~~U.S. armed forces;~~ Armed Forces of the United  
17 States, and those working under their supervision;".

18 **SECTION 52.** G.S. 86A-17(c) reads as rewritten:

19 "(c) All persons serving in the Armed Forces of the United States ~~armed forces~~ and  
20 persons whose certificates of registration as a registered barber were in force one year prior to  
21 entering service may, without taking the required examination, renew their certificates within  
22 90 days after receiving an honorable discharge, by paying the current annual license fee and  
23 furnishing the State Board of Barber Examiners with a satisfactory health certificate if required  
24 by the Board."

25 **SECTION 53.** G.S. 89C-25(6) reads as rewritten:

26 "(6) Practice by members of the ~~armed forces;~~ Armed Forces of the United  
27 States; employees of the government of the United States while engaged in  
28 the practice of engineering or land surveying solely for the government on  
29 government-owned works and projects; or practice by those employees of  
30 the Natural Resources Conservation Service, county employees, or  
31 employees of the Soil and Water Conservation Districts who have federal  
32 engineering job approval authority that involves the planning, designing, or  
33 implementation of best management practices on agricultural lands."

34 **SECTION 54.** G.S. 90-12.1A(a)(3) reads as rewritten:

35 "(3) Is authorized to treat ~~personnel enlisted~~ military personnel serving in a  
36 branch of the ~~United States armed services~~ Armed Forces of the United  
37 States or veterans."

38 **SECTION 55.** G.S. 90-12.4(3) reads as rewritten:

39 "(3) Is a member of the ~~United States armed services~~ Armed Forces of the United  
40 States or is employed by the Veterans' Administration or another federal  
41 agency."

42 **SECTION 56.** G.S. 90-18.1(h) reads as rewritten:

43 "(h) A physician assistant serving active duty in the ~~United States military~~ Armed  
44 Forces of the United States is exempt from the requirements of subdivision (g)(3) of this  
45 section."

46 **SECTION 57.** G.S. 90-29(c)(2) reads as rewritten:

47 "(2) The practice of dentistry, in the discharge of their official duties, by dentists  
48 in any branch of the ~~military service~~ Armed Forces of the United States or in  
49 the full-time employ of any agency of the United States;".

50 **SECTION 58.** G.S. 90-36(c)(2) reads as rewritten:

1           "(2) Has not been the subject of final or pending disciplinary action in the  
2           ~~military, Armed Forces of the United States~~, in any state or territory in  
3           which the applicant is or has ever been licensed to practice dentistry, or in  
4           any state or territory in which the applicant has held any other professional  
5           license."

6           **SECTION 59.** G.S. 90-37.1(a)(1) reads as rewritten:

7           "(1) Has an out-of-state current or expired license, or an expired license in this  
8           State, or is authorized to treat veterans of or personnel ~~enlisted~~ serving in  
9           the ~~United States armed services~~ Armed Forces of the United States; and".

10          **SECTION 60.** G.S. 90-87(23)(a) reads as rewritten:

11           "a. A written order or other order which is promptly reduced to writing  
12           for a controlled substance as defined in this Article, or for a  
13           preparation, combination, or mixture thereof, issued by a practitioner  
14           who is licensed in this State to administer or prescribe drugs in the  
15           course of his professional practice; or issued by a practitioner serving  
16           on active duty with the ~~armed forces~~ Armed Forces of the United  
17           States or the United States Veterans Administration who is licensed  
18           in this or another state or Puerto Rico, provided the order is written  
19           for the benefit of eligible beneficiaries of armed services medical  
20           care; a prescription does not include an order entered in a chart or  
21           other medical record of a patient by a practitioner for the  
22           administration of a drug; or".

23          **SECTION 61.** G.S. 90-115.1(1) reads as rewritten:

24          "(1) The practice of optometry, in the discharge of their official duties, by  
25          optometrists in any branch of the ~~military service of the United States~~ Armed  
26          Forces of the United States or in the full employ of any agency of the United  
27          States."

28          **SECTION 62.** G.S. 90-187.10 reads as rewritten:

29          **"§ 90-187.10. Necessity for license; certain practices exempted.**

30          No person shall engage in the practice of veterinary medicine or own all or part interest in a  
31          veterinary medical practice in this State or attempt to do so without having first applied for and  
32          obtained a license for such purpose from the North Carolina Veterinary Medical Board, or  
33          without having first obtained from ~~said the~~ Board a certificate of renewal of license for the  
34          calendar year in which ~~such the~~ person proposes to practice and until ~~he the~~ person shall have  
35          been first licensed and registered for such practice in the manner provided in this Article and  
36          the rules and regulations of the ~~said~~ Board.

37          Nothing in this Article shall be construed to prohibit:

- 38           (1) Any person ~~or his employee~~ from administering to animals, the title to which  
39           is vested in ~~himself, the person or the person's employer~~, except when ~~said~~  
40           the title is so vested for the purpose of circumventing the provisions of this  
41           Article;
- 42           (2) Any person who is a regular student or instructor in a legally chartered  
43           college from the performance of those duties and actions assigned as ~~his the~~  
44           person's responsibility in teaching or research;
- 45           (3) Any veterinarian not licensed by the Board who is a member of the ~~armed~~  
46           ~~forces~~ Armed Forces of the United States or who is an employee of the  
47           United States Department of Agriculture, the United States Public Health  
48           Service or other federal agency, or the State of North Carolina, or political  
49           subdivision thereof, from performing official duties while so commissioned  
50           or employed;

51          ...



- 1 (7) Any physician licensed to practice medicine in this State, or ~~his~~ the
- 2 physician's assistant, while engaged in medical research;
- 3 ...
- 4 (9) Any veterinarian licensed to practice in another state from examining
- 5 livestock or acting as a consultant in North Carolina, provided ~~he~~ the
- 6 consulting veterinarian is directly supervised by a veterinarian licensed by
- 7 the Board who must, at or prior to the first instance of consulting, notify the
- 8 Board, in writing, that he or she is supervising the consulting veterinarian,
- 9 give the Board the name, address, and licensure status of the consulting
- 10 veterinarian, and also verify to the Board that the supervising veterinarian
- 11 assumes responsibility for the professional acts of the consulting
- 12 veterinarian; and provided further, that the consultation by the veterinarian
- 13 in North Carolina does not exceed 10 days or parts thereof per year, and
- 14 further that all infectious or contagious diseases diagnosed are reported to
- 15 the State Veterinarian within 48 hours; or
- 16 (10) Any person employed by the North Carolina Department of Agriculture and
- 17 Consumer Services as a livestock inspector or by the U.S. Department of
- 18 Agriculture as an animal health technician from performing regular duties
- 19 assigned to him or her during the course and scope of that person's
- 20 employment."

21 **SECTION 63.** G.S. 90-210.25(a) reads as rewritten:

22 "(a) Qualifications, Examinations, Resident Traineeship and Licensure. –

- 23 ...
- 24 (4) ...
- 25 d. A certificate of resident traineeship shall be signed by the resident
- 26 trainee and upon payment of the renewal fee shall be renewable one
- 27 year after the date of original registration; but the certificate may not
- 28 be renewed more than two times. The Board shall mail to each
- 29 registered trainee at his last known address a notice that the renewal
- 30 fee is due and that, if not paid within 30 days of the notice, the
- 31 certificate will be canceled. A late fee, in addition to the renewal fee,
- 32 shall be charged for a late renewal, but the renewal of the registration
- 33 of any resident trainee who is engaged in ~~the active service in the~~
- 34 ~~military service~~ Armed Forces of the United States at the time
- 35 renewal is due may, at the discretion of the Board, be held in
- 36 abeyance for the duration of that service without penalties. No credit
- 37 shall be allowed for the 12-month period of resident traineeship that
- 38 shall have been completed more than five years preceding the
- 39 examination for a license.
- 40 ...
- 41 (5) The Board by regulation may recognize other examinations that the Board
- 42 deems equivalent to its own.
- 43 ...
- 44 b. The holder of any license issued by the Board who shall fail to renew
- 45 the same on or before February 1 of the calendar year for which the
- 46 license is to be renewed shall have forfeited and surrendered the
- 47 license as of that date. No license forfeited or surrendered pursuant to
- 48 the preceding sentence shall be reinstated by the Board unless it is
- 49 shown to the Board that the applicant has, throughout the period of
- 50 forfeiture, engaged full time in another state of the United States or
- 51 the District of Columbia in the practice to which ~~his~~ the applicant's

1 North Carolina license applies and has completed for each such year  
2 continuing education substantially equivalent in the opinion of the  
3 Board to that required of North Carolina licensees; or has completed  
4 in North Carolina a total number of hours of accredited continuing  
5 education computed by multiplying five times the number of years of  
6 forfeiture; or has passed the North Carolina examination for the  
7 forfeited license. No additional resident traineeship shall be required.  
8 The applicant shall be required to pay all delinquent annual renewal  
9 fees and a reinstatement fee. The Board may waive the provisions of  
10 this section for an applicant for a forfeiture which occurred during  
11 ~~his~~ the applicant's service in the ~~armed forces~~ Armed Forces of the  
12 United States provided ~~he~~ the applicant applies within six months  
13 following severance therefrom.

14 ...."

15 **SECTION 64.** G.S. 90-210.101 reads as rewritten:

16 **"§ 90-210.101. Member ~~in armed forces~~ of Armed Forces failing to pay assessments;**  
17 **reinstatement.**

18 If a member of a burial association who is in the ~~military or naval forces~~ Armed Forces of  
19 the United States fails to pay any assessment, ~~he~~ the member shall be in bad standing, and  
20 unless and until restored, shall not be entitled to benefits. However, the ~~said~~ member shall be  
21 reinstated in the burial association upon application made by ~~him~~ the member at any time until  
22 12 months after ~~his~~ the member's discharge from the ~~military or naval forces~~ Armed Forces of  
23 the United States, notwithstanding ~~his~~ the member's physical condition and without the  
24 payment of assessments which have become due during ~~his~~ the member's service in the ~~military~~  
25 ~~or naval forces~~ Armed Forces of the United States. Benefits will be in force immediately after  
26 such reinstatement."

27 **SECTION 65.** G.S. 90-224.1(c)(2) reads as rewritten:

28 "(2) Has no history of disciplinary action or pending disciplinary action in the  
29 ~~military~~ Armed Forces of the United States or in any state or territory in  
30 which the applicant is or has ever been licensed."

31 **SECTION 66.** G.S. 90-270.34(a)(3) reads as rewritten:

32 "(3) Practitioners of physical therapy employed in the ~~United States~~ armed  
33 ~~services~~ Armed Forces of the United States, United States Public Health  
34 Service, Veterans Administration or other federal agency, to the extent  
35 permitted under federal law, so long as the practitioner limits services to  
36 those directly relating to work with the employing government agency;"

37 **SECTION 67.** G.S. 90-664(3) reads as rewritten:

38 "(3) A respiratory care practitioner serving in the ~~armed forces~~ Armed Forces or  
39 the Public Health Service of the United States or employed by the Veterans  
40 Administration when performing duties associated with that service or  
41 employment."

42 **SECTION 68.** G.S. 93B-15 reads as rewritten:

43 **"§ 93B-15. Payment of license fees by members of the ~~armed forces~~ Armed Forces;**  
44 **board waiver rules.**

45 (a) An individual who is serving in the ~~armed forces~~ Armed Forces of the United States  
46 and to whom G.S. 105-249.2 grants an extension of time to file a tax return is granted an  
47 extension of time to pay any license fee charged by an occupational licensing board as a  
48 condition of retaining a license granted by the board. The extension is for the same period that  
49 would apply if the license fee were a tax.

50 (b) Occupational licensing boards shall adopt rules to postpone or waive continuing  
51 education, payment of renewal and other fees, and any other requirements or conditions

1 relating to the maintenance of licensure by an individual who is currently licensed by and in  
2 good standing with the board, is serving in the ~~armed forces~~ Armed Forces of the United States,  
3 and to whom G.S. 105-249.2 grants an extension of time to file a tax return."

4 **SECTION 69.(a)** G.S. 96-8(6)i. reads as rewritten:

5 "i. The term "employment" includes service performed for any State and  
6 local governmental employing unit or for any Indian tribe, except  
7 that employment does not include service performed (a) as an elected  
8 official; (b) as a member of a legislative body or a member of the  
9 judiciary, of a State or political subdivision thereof or of an Indian  
10 tribe; (c) as a member of the ~~State North Carolina National Guard or~~  
11 ~~Air National Guard~~; (d) as an employee serving on a temporary basis  
12 in case of fire, storm, snow, earthquake, flood, or similar emergency;  
13 or (e) in a policymaking or advisory position the performance of the  
14 duties of which ordinarily does not require more than eight hours per  
15 week. The services to which clause (d) of the preceding sentence  
16 applies include but are not limited to temporary emergency services  
17 compensated solely by a fixed payment for each emergency call  
18 answered whether or not provided for by prior agreement and  
19 training in preparation for such temporary emergency service  
20 whether or not compensated."

21 **SECTION 69.(b)** G.S. 96-8(8b) reads as rewritten:

22 "(8b) "Severely disabled veteran" means an honorably discharged veteran of the  
23 ~~armed forces~~ Armed Forces of the United States who has received a  
24 disability rating from the United States Department of Veterans Affairs that  
25 meets the disability percentage requirements set forth in 38 CFR 4.16, as  
26 amended, if the veteran (i) has a right to apply to the United States  
27 Department of Veterans Affairs for compensation based on total disability or  
28 individual unemployability, and (ii) has elected to work instead of assert the  
29 right to receive compensation from the United States Department of  
30 Veterans Affairs based on total disability or individual unemployability."

31 **SECTION 69.(c)** Effective July 1, 2011, G.S. 96-8(10) reads as rewritten:

32 "(10) Total and partial unemployment.

33 a. For the purpose of establishing a benefit year, an individual shall be  
34 deemed to be unemployed:

- 35 1. If ~~he~~ the individual has payroll attachment but, because of  
36 lack of work during the payroll week for which ~~he~~ the  
37 individual is requesting the establishment of a benefit year, ~~he~~  
38 the individual worked less than the equivalent of three  
39 customary scheduled full-time days in the establishment,  
40 plant, or industry in which ~~he~~ the individual has payroll  
41 attachment as a regular employee. If a benefit year is  
42 established, it shall begin on the Sunday preceding the payroll  
43 week ending date.
- 44 2. If ~~he~~ the individual has no payroll attachment on the date  
45 ~~he~~ the individual reports to apply for unemployment  
46 insurance. If a benefit year is established, it shall begin on the  
47 Sunday of the calendar week with respect to which the  
48 claimant met the reporting requirements provided by  
49 Commission regulation.

50 b. For benefit weeks within an established benefit year, a claimant shall  
51 be deemed to be:

- 1 1. ~~Totally unemployed, irrespective of job attachment, if his-the~~  
2 ~~claimant's earnings for such week, including payments~~  
3 ~~defined in subparagraph c below, sub-subdivision c. of this~~  
4 ~~subdivision, would not reduce his-the claimant's weekly~~  
5 ~~benefit amount as prescribed by G.S. 96-12(c).~~
- 6 2. Partially unemployed, if ~~he-the~~ claimant has payroll  
7 attachment but because of lack of work during the payroll  
8 week for which ~~he-the~~ claimant is requesting benefits ~~he-the~~  
9 claimant worked less than three customary scheduled  
10 full-time days in the establishment, plant, or industry in  
11 which ~~he-the~~ claimant is employed and whose earnings from  
12 such employment (including payments defined in  
13 ~~subparagraph c below~~) sub-subdivision c. of this subdivision)  
14 would qualify ~~him-the~~ claimant for a reduced payment as  
15 prescribed by G.S. 96-12(c).
- 16 3. Part-totally unemployed, if the claimant had no job  
17 attachment during all or part of such week and whose  
18 earnings for odd jobs or subsidiary work (including payments  
19 defined in ~~subparagraph c below~~) sub-subdivision c. of this  
20 subdivision) would qualify ~~him-the~~ claimant for a reduced  
21 payment as prescribed by G.S. 96-12(c).
- 22 c. No individual shall be considered unemployed if, with respect to the  
23 entire calendar week, ~~he-the~~ individual is receiving, has received, or  
24 will receive as a result of ~~his-the~~ individual's separation from  
25 employment, remuneration in the form of (i) wages in lieu of notice,  
26 (ii) accrued vacation pay, (iii) terminal leave pay, (iv) severance pay,  
27 (v) separation pay, or (vi) dismissal payments or wages by whatever  
28 name. Provided, however, if such payment is applicable to less than  
29 the entire week, the claimant may be considered to be unemployed as  
30 defined in ~~subsections a and b of this paragraph~~ sub-subdivisions a.  
31 and b. of this subdivision. Sums received by any individual for  
32 services performed as an elected official who holds an elective  
33 office, as defined in G.S. 128-1.1(d), or as a member of the ~~N. C.~~  
34 North Carolina National Guard, as defined in G.S. 127A-3, or as a  
35 member of any reserve component of the ~~United States~~ United States-Armed  
36 Forces of the United States shall not be considered in determining  
37 that individual's employment status under this subsection. Provided  
38 further, however, that an individual shall be considered to be  
39 unemployed as to receipt of severance pay for any week the  
40 individual is registered at or attending any institution of higher  
41 education as defined in G.S. 96-8(5)j., or secondary school as defined  
42 in G.S. 96-8(5)q., or Commission approved vocational, educational,  
43 or training programs as defined in G.S. 96-13.
- 44 d. An individual's week of unemployment shall be deemed to  
45 commence only after ~~his-the~~ individual's registration at an  
46 employment office, except as the Commission may by regulation  
47 otherwise prescribe.
- 48 e. Repealed by Session Laws 2009-506, s. 2, effective October 1, 2009,  
49 and applicable to claims filed on or after that date.
- 50 f. No substitute teacher or other substitute school personnel shall be  
51 considered unemployed for days or weeks when not called to work

1 unless the individual is or was employed as a full-time substitute  
2 during the period of time for which the individual is requesting  
3 benefits. For the purposes of this subsection, full-time substitute is  
4 defined as a substitute employee who works more than 30 hours a  
5 week on a continual basis for a period of six months or more."

6 **SECTION 70.** G.S. 96-9(c)(6) reads as rewritten:

7 "(6) If the Commission finds that an employer's business is closed solely because  
8 of the entrance of one or more of the owners, officers, partners, or the  
9 majority stockholder into the Armed Forces of the United States, or of any of  
10 its allies, or of the United Nations, such employer's experience rating  
11 account shall not be terminated; and, if the business is resumed within two  
12 years after the discharge or release from active duty in the Armed Forces of  
13 the United States of such person or persons, the employer's account shall be  
14 deemed to have been chargeable with benefits throughout more than 13  
15 consecutive calendar months ending July 31 immediately preceding the  
16 computation date. This subdivision shall apply only to employers who are  
17 liable for contributions under the experience rating system of financing  
18 unemployment benefits. This subdivision shall not be construed to apply to  
19 employers who are liable for payments in lieu of contributions or to  
20 employers using the reimbursable method of financing benefit payments."

21 **SECTION 71.** G.S. 105-113.81(c) reads as rewritten:

22 "(c) Sales to ~~Armed Forces~~ Forces of the United States. – Wholesalers and importers of  
23 malt beverages and wine are not required to remit excise taxes on malt beverages and wine sold  
24 to the ~~United States Armed Forces~~ Armed Forces of the United States. The Secretary may  
25 require malt beverages and wine sold to the ~~Armed Forces~~ Armed Forces of the United States to  
26 be marked "For Military Use Only" to facilitate identification of those beverages."

27 **SECTION 72.** G.S. 105-158 reads as rewritten:

28 "**§ 105-158. Taxation of certain ~~armed forces~~ Armed Forces personnel and other**  
29 **individuals upon death.**

30 An individual is not subject to the tax imposed by this Part for a taxable year if, under  
31 section 692 of the Code, the individual is not subject to federal income tax for that same taxable  
32 year."

33 **SECTION 73.** G.S. 105-244.1 reads as rewritten:

34 "**§ 105-244.1. Cancellation of certain assessments.**

35 The Secretary of Revenue is hereby authorized, empowered and directed to cancel and  
36 abate all assessments made after October 16, 1940, for or on account of any tax owing to the  
37 State of North Carolina and which is payable to the Department of Revenue against any person  
38 who was killed while a member of the ~~armed forces~~ Armed Forces of the United States or who  
39 has a service connected disability as a result of which the United States is paying him disability  
40 compensation. This provision shall apply only to assessments made after October 16, 1940, for  
41 taxes which were due prior to the time the taxpayer was inducted into the ~~armed forces~~ Armed  
42 Forces of the United States. If any such assessment is or has been paid, the Secretary of  
43 Revenue may refund the amount paid but shall not add thereto any interest."

44 **SECTION 74.** G.S. 108A-55.3(b)(13) reads as rewritten:

45 "(13) A document from the U.S. Department of Veterans Affairs, ~~U.S.~~  
46 ~~Military~~ U.S. Department of Defense, or the U.S. Department of Homeland  
47 Security verifying the applicant's intent to live in North Carolina  
48 permanently or for an indefinite period of time or that the applicant is  
49 residing in North Carolina to seek employment or with a job commitment."

50 **SECTION 75.** G.S. 110-129(2) reads as rewritten:

1           "(2) "Dependent child" means any person under the age of 18 who is not  
2 otherwise emancipated, married or a member of the ~~armed forces~~ Armed  
3 Forces of the United States, or any person over the age of 18 for whom a  
4 court orders that support payments continue as provided in G.S. 50-13.4(c)."

5           **SECTION 76.** G.S. 113-130(4)e. reads as rewritten:

6           "e. Military Personnel and Their Dependents. – A member of the ~~armed~~  
7 ~~forces~~ Armed Forces of the United States stationed at a military  
8 facility in North Carolina, ~~his~~ the member's spouse, and any  
9 dependent under 18 years of age residing with ~~him~~ the member are  
10 deemed residents of the State, of the county in which they live, and  
11 also, if different, of any county in which the military facility is  
12 located."

13           **SECTION 77.** G.S. 115C-254 reads as rewritten:

14           "**§ 115C-254. Use of school buses by State defense militia or ~~national guard~~ North**  
15 **Carolina National Guard.**

16           When requested to do so by the Governor, the board of education of any local school  
17 administrative unit is authorized and directed to furnish a sufficient number of school buses to  
18 the North Carolina State Defense Militia or the North Carolina National Guard for the purpose  
19 of transporting members of the State defense militia or members of the North Carolina National  
20 Guard to and from authorized places of encampment, or to and from places to which members  
21 of the State defense militia or members of the North Carolina National Guard are ordered to  
22 proceed for the purpose of suppressing riots or insurrections, repelling invasions or dealing  
23 with any other emergency. Public school buses so furnished by any local school administrative  
24 unit to the ~~North Carolina State Defense Militia~~ State defense militia or the North Carolina  
25 National Guard shall be operated by members or employees of the State defense militia or  
26 North Carolina National Guard, and all expense of such operation, including any repair or  
27 replacement of any bus occasioned by such operation, shall be paid by the State from the  
28 appropriations available for the use of the State defense militia or the North Carolina National  
29 Guard."

30           **SECTION 78.** G.S. 115C-302.1(g) reads as rewritten:

31           "(g) Service in Armed Forces. – The State Board of Education, in fixing the State  
32 standard salary schedule of teachers as authorized by law, shall provide that teachers who  
33 entered the ~~armed~~ Armed Forces or auxiliary forces of the United States after September 16,  
34 1940, and who left their positions for such service shall be allowed experience increments for  
35 the period of such service as though the same had not been interrupted thereby, in the event  
36 such persons return to the position of teachers, principals, and superintendents in the public  
37 schools of the State after having been honorably discharged from the ~~armed~~ Armed Forces or  
38 auxiliary forces of the United States."

39           **SECTION 79.** G.S. 115D-5.1(f1) reads as rewritten:

40           "(f1) Notwithstanding any other provision of law, the State Board of Community  
41 Colleges may adopt guidelines that allow the Customized Training Program to use funds  
42 appropriated for that program to support training projects for the various branches of the ~~United~~  
43 ~~States Armed Forces~~ Armed Forces of the United States."

44           **SECTION 80.** G.S. 115D-39(a) reads as rewritten:

45           "(a) The State Board of Community Colleges shall fix and regulate all tuition and fees  
46 charged to students for applying to or attending any institution pursuant to this Chapter.

47           The receipts from all student tuition and fees, other than student activity fees, shall be State  
48 funds and shall be deposited as provided by regulations of the State Board of Community  
49 Colleges.

50           The legal resident limitation with respect to tuition, set forth in G.S. 116-143.1 and  
51 G.S. 116-143.3, shall apply to students attending institutions operating pursuant to this Chapter;

1 provided, however, that when an employer other than the ~~armed services~~, Armed Forces, as that  
2 term is defined in G.S. 116-143.3, pays tuition for an employee to attend an institution  
3 operating pursuant to this Chapter and when the employee works at a North Carolina business  
4 location, the employer shall be charged the in-State tuition rate; provided further, however, a  
5 community college may charge in-State tuition to up to one percent (1%) of its out-of-state  
6 students, rounded up to the next whole number, to accommodate the families transferred by  
7 business, the families transferred by industry, or the civilian families transferred by the  
8 ~~military~~, Armed Forces, consistent with the provisions of G.S. 116-143.3, into the State.  
9 Notwithstanding these requirements, a refugee who lawfully entered the United States and who  
10 is living in this State shall be deemed to qualify as a domiciliary of this State under  
11 G.S. 116-143.1(a)(1) and as a State resident for community college tuition purposes as defined  
12 in G.S. 116-143.1(a)(2). Also, a nonresident of the United States who has resided in North  
13 Carolina for a 12-month qualifying period and has filed an immigrant petition with the United  
14 States Immigration and Naturalization Service shall be considered a State resident for  
15 community college tuition purposes."

16 **SECTION 81.** G.S. 116-15(e) reads as rewritten:

17 "(e) Post-secondary Degree Activity within the ~~Military~~ Armed Forces of the United  
18 States. – To the extent that an institution undertakes post-secondary degree activity on the  
19 premises of military posts or reservations located in this State for military personnel stationed  
20 on active duty there, or their dependents, the institution shall be exempt from the licensure  
21 requirements of this section."

22 **SECTION 82.** G.S. 116-21.3(c) reads as rewritten:

23 "(c) Any member of the ~~armed services~~, Armed Forces, as defined in G.S. 116-143.3(a),  
24 abiding in this State incident to active military duty, who does not qualify as a resident for  
25 tuition purposes, as defined under G.S. 116-143.1, is eligible for a legislative tuition grant  
26 pursuant to this section if the member is enrolled as a full-time undergraduate student or as a  
27 licensure student. The member's legislative tuition grant shall not exceed the cost of tuition less  
28 any tuition assistance paid by the member's employer."

29 **SECTION 83.** G.S. 116-143.1(h) reads as rewritten:

30 "(h) No person shall lose his or her resident status for tuition purposes solely by reason  
31 of serving in the ~~armed forces~~ Armed Forces of the United States outside this State."

32 **SECTION 84.** G.S. 116-143.3 reads as rewritten:

33 **"§ 116-143.3. Tuition of ~~armed services~~ Armed Forces personnel and their dependents.**

34 (a) Definitions. – The following definitions apply in this section:

- 35 (1) The term "abode" shall mean the place where a person actually lives,  
36 whether temporarily or permanently; the term "abide" shall mean to live in a  
37 given place.  
38 (2) The term "~~armed services~~" "Armed Forces" shall mean the United States Air  
39 Force, Army, Coast Guard, Marine Corps, and Navy; the North Carolina  
40 National Guard; and any ~~Reserve Component~~ reserve component of the  
41 foregoing.  
42 (3) Repealed by Session Laws 2007-484, s. 15, effective August 30, 2007.

43 (b) Any active duty member of the ~~armed services~~ Armed Forces qualifying for  
44 admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not  
45 qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the in-State  
46 tuition rate and applicable mandatory fees for enrollments while the member of the ~~armed~~  
47 ~~services~~ Armed Forces is abiding in this State incident to active military duty in this State. In  
48 the event the active duty member of the ~~armed services~~ Armed Forces is reassigned outside of  
49 North Carolina or retires, the member shall continue to be eligible for the in-State tuition rate  
50 and applicable mandatory fees so long as the member is continuously enrolled in the degree or  
51 other program in which the member was enrolled at the time the member is reassigned. In the

1 event the active duty member of the ~~armed services~~ Armed Forces receives an Honorable  
2 Discharge from military service, the member shall continue to be eligible for the in-State  
3 tuition rate and applicable mandatory fees so long as the member establishes residency in North  
4 Carolina within 30 days after the discharge and is continuously enrolled in the degree or other  
5 program in which the member was enrolled at the time the member is discharged.

6 (b1), (b2) Repealed by Session Laws 2004-130, s. 1, effective August 1, 2004.

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

24 (d) The person applying for the benefit of this section has the burden of proving  
25 entitlement to the benefit.

26 (e) A person charged less than the out-of-state tuition rate solely by reason of this  
27 section shall not, during the period of receiving that benefit, qualify for or be the basis of  
28 conferring the benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or (l)."

29 **SECTION 85.** G.S. 116-209.51 reads as rewritten:

30 **"§ 116-209.51. Purpose.**

31 The General Assembly of North Carolina, recognizing that the North Carolina National  
32 Guard is the only organized, trained and equipped military force subject to the control of the  
33 State, hereby establishes a program of tuition assistance for qualifying guard members for the  
34 purpose of encouraging voluntary membership in the ~~guard~~, North Carolina National Guard,  
35 improving the educational level of its members, and thereby benefiting the State as a whole."

36 **SECTION 86.(a)** G.S. 116-209.54(a) reads as rewritten:

37 "(a) Active members of the North Carolina National Guard who are enrolled or who  
38 shall enroll in any business or trade school, private educational institution, or State educational  
39 institution shall be eligible to apply for this tuition assistance benefit: Provided, that the  
40 applicant has a minimum obligation of two years remaining as a member of the North Carolina  
41 National Guard from the end of the academic period for which tuition assistance is provided or  
42 that the applicant commit himself or herself to extended membership for at least two additional  
43 years from the end of that academic period."

44 **SECTION 86.(b)** G.S. 116-209.54(c)(2)a. reads as rewritten:

45 "a. The applicant has a minimum obligation of two years remaining as a  
46 member of the North Carolina National Guard from the time of the  
47 application; or"

48 **SECTION 87.** G.S. 116-209.55(c) reads as rewritten:

49 "(c) All tuition benefit disbursements shall be made to the business or trade school or  
50 State or private educational institution concerned, for credit to the tuition account of each  
51 recipient. Funds disbursed pursuant to subsection (g) of this section shall be made to the student



1 loan creditor concerned to be applied against the outstanding student loans of each North  
2 Carolina National Guard member beneficiary."

3 **SECTION 88.** G.S. 116-235(b)(1) reads as rewritten:

4 "(1) Admission of Students. – The School shall admit students in accordance  
5 with criteria, standards, and procedures established by the Board of Trustees.  
6 To be eligible to be considered for admission, an applicant must be either a  
7 legal resident of the State, as defined by G.S. 116-143.1(a)(1), or a student  
8 whose parent is an active duty member of the ~~armed services~~, Armed Forces,  
9 as defined by G.S. 116-143.3(2), who is abiding in this State incident to  
10 active military duty at the time the application is submitted, provided the  
11 student shares the abode of that parent; eligibility to remain enrolled in the  
12 School shall terminate at the end of any school year during which a student  
13 becomes a nonresident of the State. The Board of Trustees shall ensure,  
14 insofar as possible without jeopardizing admission standards, that an equal  
15 number of qualified applicants is admitted to the program and to the  
16 residential summer institutes in science and mathematics from each of North  
17 Carolina's congressional districts. In no event shall the differences in the  
18 number of qualified applicants offered admission to the program from each  
19 of North Carolina's congressional districts be more than two and one-half  
20 percentage points from the average number per district who are offered  
21 admission."

22 **SECTION 89.** G.S. 120-4.12(d) reads as rewritten:

23 "(d) Any member of the Retirement System who has eight or more years of creditable  
24 service as a member of the General Assembly may purchase prior service credit for service in  
25 the ~~armed forces~~ Armed Forces of the United States at the same rates and conditions as set  
26 forth in G.S. 120-4.14 and G.S. 120-4.16; provided that credit is allowed only for the initial  
27 period of active duty in the ~~armed forces~~ Armed Forces of the United States up to the time the  
28 member was first eligible to be separated or released therefrom, and subsequent periods of such  
29 active duty as required by the ~~armed forces~~ Armed Forces of the United States up to the date of  
30 first eligibility for separation or release therefrom; and further provided that the member  
31 submits satisfactory evidence of the service claimed and that service credit be allowed only for  
32 the period of active service in the ~~armed forces~~ Armed Forces of the United States not  
33 creditable in any other retirement system, except the National Guard or any reserve component  
34 of the ~~armed forces~~ Armed Forces of the United States."

35 **SECTION 90.** G.S. 126-2(b)(3) reads as rewritten:

36 "(3) Two State employees subject to the State Personnel Act serving in  
37 nonexempt positions, appointed by the Governor, including one of whom is  
38 a veteran of the ~~armed forces~~ Armed Forces of the United States appointed  
39 upon the nomination of the Veterans' Affairs Commission. One employee  
40 shall serve in a State government position having supervisory duties, and one  
41 employee shall serve in a nonsupervisory position. Neither employee may be  
42 a human resources professional. The Governor shall consider nominations  
43 submitted by the State Employees Association of North Carolina. The initial  
44 members appointed under this subdivision shall serve terms expiring June  
45 30, 2001; the terms of subsequent appointees shall be six years."

46 **SECTION 91.** G.S. 127B-2 reads as rewritten:

47 **"§ 127B-2. Military property defined.**

48 "Military property" means property originally manufactured for the United States or State  
49 of North Carolina which is a type and kind issued for use in, or furnished and intended for, the  
50 ~~military service~~ Armed Forces of the United States or the militia of the State of North  
51 Carolina."

1           **SECTION 92.** G.S. 127B-11 reads as rewritten:

2   "**§ 127B-11. Private discrimination prohibited.**

3       No person shall discriminate against any officer, warrant officer or enlisted person of the  
4   military ~~or naval~~ forces of the State or of the United States because of their membership  
5   therein. No member of these military forces shall be prejudiced or injured by any person,  
6   employer, officer or agent of any corporation, company or firm with respect to their  
7   employment, position or status or denied or disqualified for employment by virtue of their  
8   membership or service in the military forces of this State or of the United States."

9           **SECTION 93.** G.S. 127B-12 reads as rewritten:

10  "**§ 127B-12. Public discrimination prohibited.**

11       No officer or employee of the State, or of any county, city and county, municipal  
12   corporation, school district, water district, or other district shall discriminate against any  
13   officer, warrant officer or enlisted person of the military ~~or naval~~ forces of the State or of the  
14   United States because of their membership therein. No member of the military forces shall be  
15   prejudiced or injured by any officer or employee of the State, or of any county, city and county,  
16   municipal corporation, school district, water district, or other district with respect to their  
17   employment, appointment, position or status or denied or disqualified for or discharged from  
18   their employment or position by virtue of their membership or service in the military forces of  
19   this State or of the United States."

20           **SECTION 94.** G.S. 127B-13 reads as rewritten:

21  "**§ 127B-13. Refusing entrance prohibited.**

22       No person shall prohibit or refuse entrance to any officer, warrant officer or enlisted person  
23   of the military ~~or naval~~ forces of this State or of the United States into any public place of  
24   entertainment, of amusement, or accommodation because the officer or enlisted person is  
25   wearing the uniform of the organization to which they belong or because of their membership  
26   or service in the military forces of this State or of the United States."

27           **SECTION 95.** G.S. 127B-14 reads as rewritten:

28  "**§ 127B-14. Employer discrimination prohibited.**

29       No employer or officer or agent of any corporation, company, or firm, or other person shall  
30   discharge any person from employment because of the performance of any emergency military  
31   duty by reason of being an officer, warrant officer or enlisted person of the military ~~or naval~~  
32   forces of this State or the United States."

33           **SECTION 96.** G.S. 128-15(c) reads as rewritten:

34  "**§ 128-15. Employment preference for veterans and their spouses or surviving spouses.**

35       (c) Hereafter, in all evaluations of applicants for positions with this State or any of its  
36   departments, institutions or agencies, a preference shall be awarded to all eligible veterans who  
37   are citizens of the State and who served the State or the United States honorably in ~~either the~~  
38   ~~army, navy, marine corps, nurses' corps, air corps, air force, coast guard, or any of the armed~~  
39   ~~services~~ the military forces of this State or of the United States during a period of war. This  
40   preference applies to initial employment with the State and extends to other employment events  
41   including subsequent hirings, promotions, reassignments, and horizontal transfers."

42           **SECTION 97.(a)** G.S. 128-26(a) reads as rewritten:

43  "**§ 128-26. Allowance for service.**

44       (a) Each person who becomes a member during the first year of his or her employer's  
45   participation, and who was an employee of the same employer at any time during the year  
46   immediately preceding the date of participation, shall file a detailed statement of all service  
47   rendered by him or her to that employer prior to the date of participation for which he or she  
48   claims credit.

49       A participating employer may allow prior service credit to any of its employees on account  
50   of: their earlier service to the aforesaid employer; or, their earlier service to any other employer

1 as the term employer is defined in G.S. 128-21(11); or, their earlier service to any state,  
2 territory, or other governmental subdivision of the United States other than this State.

3 A participating employer may allow prior service credit to any of its employees on account  
4 of service, as defined in G.S. 135-1(23), to the State of North Carolina to the extent of such  
5 service prior to the establishment of the Teachers' and State Employees' Retirement System on  
6 July 1, 1941; provided that employees allowed such prior service credit pay in a total lump sum  
7 an amount calculated on the basis of compensation the employee earned when ~~he~~the employee  
8 first entered membership and the employee contribution rate at that time together with interest  
9 thereon from year of first membership to year of payment shall be one half of the calculated  
10 cost.

11 With respect to a member retiring on or after July 1, 1967, the governing board of a  
12 participating unit may allow credit for any period of military service in the ~~armed forces~~Armed  
13 Forces of the United States if the person returned to the service of ~~his~~the person's employer  
14 within two years after having been honorably discharged, or becoming entitled to be  
15 discharged, released, or separated from such ~~armed services;~~ the Armed Forces of the United  
16 States; provided that, notwithstanding the above provisions, any member having credit for not  
17 less than 10 years of otherwise creditable service may be allowed credit for such military  
18 services which are not creditable in any other governmental retirement system; provided  
19 further, that a member will receive credit for military service under the provisions of this  
20 paragraph only if ~~he~~the member submits satisfactory evidence of the military service claimed  
21 and the participating unit of which ~~he~~the member is an employee agrees to grant credit for  
22 such military service prior to January 1, 1972.

23 A member retiring on or after July 1, 1971, who is not granted credit for military service  
24 under the provisions of the preceding paragraph will be allowed credit for any period in the  
25 ~~armed services~~Armed Forces of the United States up to the date ~~he~~the member was first  
26 eligible to be separated or released therefrom; provided that ~~he~~the member was an employee  
27 as defined in G.S. 128-21(10) at the time ~~he~~the member entered military service, and either of  
28 the following conditions is met:

- 29 (1) ~~He~~The member returns to service, with the employer by whom ~~he~~the  
30 member was employed when ~~he~~the member entered military service, within  
31 a period of two years after ~~he~~the member is first eligible to be separated or  
32 released from such military service under other than dishonorable  
33 conditions.
- 34 (2) ~~He~~The member is in service, with the employer by whom ~~he~~the member  
35 was employed when ~~he~~the member entered military service, for a period of  
36 not less than 10 years after ~~he~~the member is separated or released from ~~such~~  
37 ~~armed services~~the Armed Forces of the United States under other than  
38 dishonorable conditions."

39 **SECTION 97.(b)** G.S. 128-26(j1)(1) reads as rewritten:

- 40 "(1) For members who completed 10 years of membership service, and retired  
41 members who completed 10 years of membership service prior to retirement,  
42 and whose membership began on or prior to January 1, 1988, and who make  
43 such purchase within three years after first becoming eligible, the cost shall  
44 be an amount equal to the monthly compensation the member earned when  
45 ~~he~~the member first entered membership service times the employee  
46 contribution rate at that time times the months of service to be purchased  
47 with sufficient interest added thereto so as to equal one-half of the cost of  
48 allowing such service, plus an administrative fee to be set by the Board of  
49 Trustees."

50 **SECTION 98.** G.S. 128-39.1(a) reads as rewritten:

1       "(a) Any elective or appointive State official may obtain leave of absence from the  
2 official's duties when the official enters active duty in the ~~armed forces~~ Armed Forces of the  
3 United States or the North Carolina National Guard as a result of being voluntarily or  
4 involuntarily activated, drafted, or otherwise called to duty. The official shall receive no salary  
5 during the period of leave. No vacancy is created by a State official obtaining a leave of  
6 absence under this section."

7           **SECTION 99.** G.S. 128-42(a) reads as rewritten:

8       "(a) Any elective or appointive county or municipal official may obtain leave of absence  
9 from the official's duties when the official enters active duty in the ~~armed forces~~ Armed Forces  
10 of the United States or the North Carolina National Guard as a result of being voluntarily or  
11 involuntarily activated, drafted, or otherwise called to duty. The official shall receive no salary  
12 during the period of leave. No vacancy is created by a county or municipal official obtaining a  
13 leave of absence under this section."

14           **SECTION 100.** G.S. 135-1(10) reads as rewritten:

15       "(10) "Employee" shall mean all full-time employees, agents or officers of the  
16 State of North Carolina or any of its departments, bureaus and institutions  
17 other than educational, whether such employees are elected, appointed or  
18 employed: Provided that the term "employee" shall not include any person  
19 who is a member of the Consolidated Judicial Retirement System, any  
20 member of the General Assembly or any part-time or temporary employee.  
21 Notwithstanding any other provision of law, "employee" shall include all  
22 employees of the General Assembly except participants in the Legislative  
23 Intern Program, pages, and beneficiaries in receipt of a monthly retirement  
24 allowance under this Chapter who are reemployed on a temporary basis.  
25 "Employee" also includes any participant whose employment is interrupted  
26 by reason of service in the Uniformed Services, as that term is defined in  
27 section 4303(16) of the Uniformed Services Employment and  
28 Reemployment Rights Act, Public Law 103-353, if that participant was an  
29 employee at the time of the interruption; if the participant does not return  
30 immediately after that service to employment with a covered employer in  
31 this System, then the participant shall be deemed "in service" until the date  
32 on which the participant was first eligible to be separated or released from  
33 his or her involuntary military service. In all cases of doubt, the Board of  
34 Trustees shall determine whether any person is an employee as defined in  
35 this Chapter. "Employee" shall also mean every full-time civilian employee  
36 of the ~~Army National Guard and Air National Guard of this State~~ North  
37 Carolina National Guard who is employed pursuant to section 709 of Title  
38 32 of the United States Code and paid from federal appropriated funds, but  
39 held by the federal authorities not to be a federal employee: Provided,  
40 however, that the authority or agency paying the salaries of such employees  
41 shall deduct or cause to be deducted from each employee's salary the  
42 employee's contribution in accordance with applicable provisions of  
43 G.S. 135-8 and remit the same, either directly or indirectly, to the Retirement  
44 System; coverage of employees described in this sentence shall commence  
45 upon the first day of the calendar year or fiscal year, whichever is earlier,  
46 next following the date of execution of an agreement between the Secretary  
47 of Defense of the United States and the Adjutant General of the State acting  
48 for the Governor in behalf of the State, but no credit shall be allowed  
49 pursuant to this sentence for any service previously rendered in the  
50 above-described capacity as a civilian employee of the North Carolina  
51 National Guard: Provided, further, that the Adjutant General, in ~~his~~ the

1            Adjutant General's discretion, may terminate the Retirement System  
2 coverage of the above-described North Carolina National Guard employees  
3 if a federal retirement system is established for such employees and the  
4 Adjutant General elects to secure coverage of such employees under such  
5 federal retirement system. Any full-time civilian employee of the North  
6 Carolina National Guard described above who is now or hereafter may  
7 become a member of the Retirement System may secure Retirement System  
8 credit for such service as a North Carolina National Guard civilian employee  
9 for the period preceding the time when such employees became eligible for  
10 Retirement System coverage by paying to the Retirement System an amount  
11 equal to that which would have constituted employee contributions if ~~he~~ the  
12 employee had been a member during the years of ineligibility, plus interest.  
13 Employees of State agencies, departments, institutions, boards, and  
14 commissions who are employed in permanent job positions on a recurring  
15 basis and who work 30 or more hours per week for nine or more months per  
16 calendar year are covered by the provisions of this subdivision. On and after  
17 August 1, 2001, a person who is a nonimmigrant alien and who otherwise  
18 meets the requirements of this subdivision shall not be excluded from the  
19 definition of "employee" solely because the person holds a temporary or  
20 time-limited visa."

21            **SECTION 101.** G.S. 135-4(f) reads as rewritten:

22            "(f) Armed Service Credit. –

- 23            (1) Teachers and other State employees who entered the ~~armed services~~ Armed  
24 Forces of the United States on or after September 16, 1940, and prior to  
25 February 17, 1941, and who returned to the service of the State within a  
26 period of two years after they were first eligible to be separated or released  
27 from ~~such armed services~~ the Armed Forces of the United States under other  
28 than dishonorable conditions shall be entitled to full credit for all prior  
29 service.
- 30            (2) Teachers and other State employees who entered the ~~armed services~~ Armed  
31 Forces of the United States on or after September 16, 1940, and who  
32 returned to the service of the State prior to October 1, 1952, or who devote  
33 not less than 10 years of service to the State after they are separated or  
34 released from ~~such armed services~~ the Armed Forces of the United States  
35 under other than dishonorable conditions, shall be entitled to full credit for  
36 all prior service, and, in addition they shall receive membership service  
37 credit for the period of service in ~~such armed services~~ the Armed Forces of  
38 the United States up to the date they were first eligible to be separated or  
39 released therefrom, occurring after the date of establishment of the  
40 Retirement System.
- 41            (3) Teachers and other State employees who enter the ~~armed services~~ Armed  
42 Forces of the United States on or after July 1, 1950, or who engage in active  
43 military service on or after July 1, 1950, and who return to the service of the  
44 State within a period of two years after they are first eligible to be separated  
45 or released from such active military service under other than dishonorable  
46 conditions shall be entitled to full membership service credit for the period  
47 of such active service in the ~~armed services~~ Armed Forces of the United  
48 States.
- 49            (4) Under such rules as the Board of Trustees shall adopt, credit will be  
50 provided by the Retirement System with respect to each such teacher or  
51 other State employee in the amounts that he or she would have been paid

1 during such service in ~~such armed services~~ the Armed Forces of the United  
2 States on the basis of his or her earnable compensation when such service  
3 commenced. Such contributions shall be credited to the individual account  
4 of the member in the annuity savings fund, in such manner as the Board of  
5 Trustees shall determine, but any such contributions so credited and any  
6 regular interest thereon shall be available to the member only in the form of  
7 an annuity, or benefit in lieu thereof, upon ~~his~~ the member's retirement on a  
8 service, disability or special retirement allowance; and in the event of  
9 cessation of membership or death prior thereto, any such contributions so  
10 credited and regular interest thereon shall not be payable to ~~him~~ the member  
11 or on ~~his~~ the member's account, but shall be transferred from the annuity  
12 savings fund to the pension accumulation fund. If any payments were made  
13 by a member on account of such service as provided by subdivision (5) of  
14 subsection (b) of G.S. 135-8, the Board of Trustees shall refund to or  
15 reimburse such member for such payments.

16 (5) The provisions of this subsection shall also apply to members of the North  
17 Carolina National Guard with respect to teachers and State employees who  
18 are called into federal service or who are called into State service, to the  
19 extent that such persons fail to receive compensation for performance of the  
20 duties of their employment other than for service in the North Carolina  
21 National Guard.

22 (6) Repealed by Session Laws 1981, c. 636, s. 1. For proviso as to inchoate or  
23 accrued rights, see Editor's Note below.

24 (7) Notwithstanding any other provision of this Chapter, any member and any  
25 retired member as herein described may purchase creditable service in the  
26 Armed Forces of the United States, not otherwise allowed, by paying a total  
27 lump sum payment determined as follows:

28 a. For members who completed 10 years of membership service, and  
29 retired members who completed 10 years of membership service  
30 prior to retirement, whose membership began on or prior to July 1,  
31 1981, and who make this purchase within three years after first  
32 becoming eligible, the cost shall be an amount equal to the monthly  
33 compensation the member earned when ~~he~~ the member first entered  
34 membership service times the employee contribution rate at that time  
35 times the months of service to be purchased, with sufficient interest  
36 added thereto so as to equal one-half of the cost of allowing this  
37 service, plus an administrative fee to be set by the Board of Trustees.

38 ...."

39 **SECTION 102.** G.S. 135-45.1(17) reads as rewritten:

40 "(17) National Guard members. – Members of the North Carolina ~~Army and Air~~  
41 National Guard who are not eligible for any type of comprehensive group  
42 health insurance or other comprehensive group health benefit coverage and  
43 who have been without any form of group health insurance or other  
44 comprehensive group health benefit coverage for at least six months.  
45 Members of the North Carolina ~~Army and Air~~ National Guard include those  
46 who are actively serving in the North Carolina National Guard as well as  
47 former members of the North Carolina National Guard who have completed  
48 20 or more years of service in the North Carolina National Guard but have  
49 not attained the minimum age to begin receipt of a uniformed service  
50 military retirement benefit. Comprehensive group health insurance and other  
51 benefit coverage consists of inpatient and outpatient hospital and medical

1 benefits, as well as other outpatient medical services, prescription drugs,  
2 medical supplies, and equipment that are generally available in the health  
3 insurance market. Comprehensive group health insurance and other benefit  
4 coverage includes Medicare benefits, Civilian Health and Medical Program  
5 of the Uniformed Services (CHAMPUS) benefits, and other Uniformed  
6 Services benefits. North Carolina National Guard units shall certify the  
7 eligibility of their members to the Plan for their participation in its benefits  
8 prior to enrollment."

9 **SECTION 103.** G.S. 135-45.12(d)(2) reads as rewritten:

10 "(2) In the event of approved leave of absence without pay, other than for active  
11 duty in the ~~armed forces~~ Armed Forces of the United States, coverage under  
12 this Plan for an employee and his or her dependents may be continued  
13 during the period of such leave of absence by the employee's paying one  
14 hundred percent (100%) of the cost."

15 **SECTION 104.** G.S. 143-166.2(e) reads as rewritten:

16 "(e) The term "spouse" shall mean the wife or husband of the deceased officer, fireman,  
17 rescue squad worker or senior Civil Air Patrol member who survives him and who was residing  
18 with such officer, fireman, rescue squad worker, or senior Civil Air Patrol member at the time  
19 of and during the six months next preceding the date of injury to such officer, fireman, rescue  
20 squad worker or senior Civil Air Patrol member which resulted in his death and who also  
21 resided with such officer, fireman, rescue squad worker or senior Civil Air Patrol member from  
22 that date of injury up to and at the time of his death and who remains unmarried during the time  
23 benefits are forthcoming; provided, however, the part of this section requiring the spouse to  
24 have been residing with the deceased officer, fireman, rescue squad worker or senior Civil Air  
25 Patrol member for six months next preceding the date of the injury which resulted in his death  
26 shall not apply where marriage occurred during this six-month period or where the officer,  
27 fireman, rescue squad worker or senior Civil Air Patrol member was absent during this  
28 six-month period due to service in the ~~armed forces of this country~~ Armed Forces of the United  
29 States."

30 **SECTION 105.** G.S. 143B-515(14) reads as rewritten:

31 "(14) Juvenile. – Except as provided in subdivisions (7) and (22) of this section,  
32 any person who has not reached the person's eighteenth birthday and is not  
33 married, emancipated, or a member of the ~~armed forces~~ Armed Forces of the  
34 United States. Wherever the term "juvenile" is used with reference to rights  
35 and privileges, that term encompasses the attorney for the juvenile as well."

36 **SECTION 106.** G.S. 145-32 reads as rewritten:

37 **"§ 145-32. Honor and Remember Flag.**

38 The Honor and Remember Flag created by Honor and Remember, Inc., is adopted as a  
39 symbol to honor and recognize members of the ~~United States~~ Armed Forces of the United  
40 States who have died in the line of duty."

41 **SECTION 107.** G.S. 147-33.2 reads as rewritten:

42 **"§ 147-33.2. Emergency war powers of the Governor.**

43 Upon ~~his~~ the Governor's own initiative, or on the request or recommendation of the  
44 President of the United States, the ~~army, navy~~ United States Army, Navy, or any other branch  
45 of the ~~armed forces~~ Armed Forces of the United States, the federal Director of Civilian  
46 Defense, or any other federal officer, department or agency having duties and responsibilities  
47 related to the prosecution of the war or the health, welfare, safety and protection of the civilian  
48 population, whenever in ~~his~~ the Governor's judgment any such action is in the public interest  
49 and is necessary for the protection of the lives or property of the people of the State, or for the  
50 defense and security of the State or nation, or for the proper conduct of the war and the

1 successful prosecution thereof, the Governor may, with the approval of the Council of State, at  
 2 any time and from time to time during the existing state of war:

- 3 ...
- 4 (6) Authorize any department or agency of the State to lease or lend to the ~~army,~~  
 5 ~~navy~~ United States Army, Navy, or any other branch of the ~~armed forces~~  
 6 Armed Forces of the United States, any real or personal property of the State  
 7 upon such terms and conditions as ~~he~~ the Governor may impose, or, on  
 8 behalf of the State, to make a contract directly therefor.
- 9 (7) Authorize the temporary transfer of personnel of the State for employment  
 10 by the ~~army, navy~~ United States Army, Navy, or any other branch of the  
 11 ~~armed forces~~ Armed Forces of the United States and fix the terms and  
 12 conditions of such transfers.
- 13 (8) At any time when the General Assembly is not in session, suspend, or  
 14 modify, in whole or in part, generally or in its application to certain classes  
 15 of persons, firms, corporations or circumstances, any law, rule or regulation  
 16 with reference to the subjects hereinafter enumerated, when ~~he~~ the Governor  
 17 shall find and proclaim after such study, investigation or hearings as ~~he~~ the  
 18 Governor may direct, make or conduct, that the operation, enforcement or  
 19 application of such law, or any part thereof, materially hinders, impedes,  
 20 delays or interferes with the proper conduct of the war; said subjects being  
 21 as follows:

22 ...

23 d. Whenever it should be certified by the Adjutant General of the State  
 24 that emergency conditions require such procedure, the Governor,  
 25 with the approval of the Council of State, shall have the power to call  
 26 up and mobilize the State militia; to provide transportation and  
 27 facilities for mobilization and full utilization of the State militia, in  
 28 such emergency; and to allocate from the Contingency and  
 29 Emergency Fund such amounts as may be necessary for such  
 30 purposes during the period of such emergency;

- 31 ...
- 32 (13) Hold and conduct hearings, administer oaths and take testimony, issue  
 33 subpoenas to compel the attendance of witnesses and the production of  
 34 relevant books, papers, records or documents, in connection with any  
 35 investigation made by ~~him~~ the Governor under the authority of this Article."

36 **SECTION 108.** G.S. 157-53(f) reads as rewritten:

37 "(f) "Persons engaged in national defense activities," as used in this Article shall  
 38 include: enlisted personnel in the ~~armed services~~ Armed Forces of the United States and  
 39 employees of the Defense Department assigned to duty at ~~armed forces~~ reservations, posts or  
 40 ~~bases;~~ bases of the Armed Forces of the United States; and workers engaged or to be engaged  
 41 in industries connected with and essential to the National Defense Program; and shall include  
 42 the families of the aforesaid persons who are living with them."

43 **SECTION 109.** G.S. 161-10.1 reads as rewritten:

44 **"§ 161-10.1. Exemption of ~~armed forces~~ Armed Forces discharge documents and certain**  
 45 **other records needed in support of claims for veterans' benefits.**

46 Any schedule of fees which is now or may be prescribed in Chapter 161 of the General  
 47 Statutes or in G.S. 161-10 shall not apply to nor shall the same repeal any of the provisions of  
 48 Article 5 of Chapter 47 of the General Statutes. Any schedule of fees which is now or may be  
 49 hereafter prescribed in Chapter 161 of the General Statutes or as may appear in G.S. 161-10  
 50 shall not apply to nor shall the same repeal any of the provisions of G.S. 165-11."

51 **SECTION 110.** G.S. 163-27.1(3) reads as rewritten:



1           "(3) An armed conflict involving ~~United States armed forces~~, Armed Forces of  
2           the United States, or mobilization of those forces, including ~~State~~-North  
3           Carolina National Guard and reserve components of the Armed Forces of the  
4           United States."

5           **SECTION 111.** G.S. 163-82.21 reads as rewritten:

6           "**§ 163-82.21. Voter registration at military recruitment offices.**

7           The Executive Director, jointly with the Department of Defense, shall develop and  
8           implement procedures for persons to apply to register to vote at recruitment offices of the  
9           ~~armed forces~~-Armed Forces of the United States in compliance with section 7(c) of the  
10          National Voter Registration Act."

11          **SECTION 112.** G.S. 165-3(4)b. reads as rewritten:

12           "b. For entitlement to the services of the Department of Administration,  
13           any person who may be entitled to any benefits or rights under the  
14           laws of the United States by reason of service in the ~~armed forces~~  
15           Armed Forces of the United States."

16          **SECTION 113.** G.S. 165-13 reads as rewritten:

17          "**§ 165-13. Definition.**

18          As used in this Article, "veteran" means any person who may be entitled to any benefits or  
19          rights under the laws of the United States, by reason of service in the ~~armed forces~~-Armed  
20          Forces of the United States."

21          **SECTION 114.** G.S. 165-17 reads as rewritten:

22          "**§ 165-17. Definition.**

23          As used in this Article, "veteran" means any person who may be entitled to any benefits or  
24          rights under the laws of the United States, by reason of service in the ~~armed forces~~-Armed  
25          Forces of the United States."

26          **SECTION 115.** G.S. 165-20 reads as rewritten:

27          "**§ 165-20. Definitions.**

28          As used in this Article the terms defined in this section shall have the following meaning:

29           (1) "Active federal service" means full-time duty in the ~~armed forces~~-Armed  
30           Forces other than active duty for training; however, if disability or death  
31           occurs while on active duty for training (i) as a direct result of armed conflict  
32           or (ii) while engaged in extra-hazardous service, including such service  
33           under conditions simulating war, such active duty for training shall be  
34           considered as active federal service.

35           (2) "~~Armed forces~~"-"Armed Forces" means the ~~army, navy, marine corps, air~~  
36           ~~force and coast guard~~, United States Army, Navy, Marine Corps, Air Force,  
37           and Coast Guard, including their reserve components.

38           (3) "Child" means a person: (i) under 25 years of age at the time of application  
39           for a scholarship, (ii) who is a domiciliary of North Carolina and is a  
40           resident of North Carolina when applying for a scholarship, (iii) who has  
41           completed high school or its equivalent prior to receipt of a scholarship  
42           awarded under this Article, (iv) who has complied with the requirements of  
43           the Selective Service System, if applicable, and (v) who further meets one of  
44           the following requirements:

45           a. A person whose veteran parent was a legal resident of North Carolina  
46           at the time of said veteran's entrance into that period of service in the  
47           ~~armed forces~~-Armed Forces during which eligibility is established  
48           under G.S. 165-22.

49           ...

50           (4) "Period of war" and "wartime" shall mean any of the periods or  
51           circumstances as defined below:

- 1 a. World War I, meaning (i) the period beginning on April 6, 1917 and
- 2 ending on November 11, 1918, and (ii) in the case of a veteran who
- 3 served with the ~~United States armed forces~~ Armed Forces in Russia,
- 4 the period beginning on April 6, 1917 and ending on April 1, 1920.
- 5 b. World War II, meaning the period beginning on December 7, 1941
- 6 and ending on December 31, 1946.
- 7 c. Korean Conflict, meaning the period beginning on June 27, 1950 and
- 8 ending on January 31, 1955.
- 9 d. Vietnam era, meaning the period beginning on August 5, 1964, and
- 10 ending on May 7, 1975.
- 11 d1. Persian Gulf War, meaning the period beginning on August 2, 1990,
- 12 and ending on the date prescribed by Presidential proclamation or
- 13 concurrent resolution of the United States Congress.
- 14 e. Any period of service in the ~~armed forces~~ Armed Forces during
- 15 which the veteran parent of an applicant for a scholarship under this
- 16 Article suffered death or disability (i) as a direct result of armed
- 17 conflict or (ii) while engaged in extra-hazardous service, including
- 18 such service under conditions simulating war.

19 ...

20 (7) "Veteran" means a person who served as a member of the ~~armed forces of~~  
 21 ~~the United States~~ Armed Forces in active federal service during a period of  
 22 war and who was separated from the ~~armed forces~~ Armed Forces under  
 23 conditions other than dishonorable. A person who was separated from the  
 24 ~~armed forces~~ Armed Forces under conditions other than dishonorable and  
 25 whose death or disability was incurred (i) as a direct result of armed conflict  
 26 or (ii) while engaged in extra-hazardous service, including such service  
 27 under conditions simulating war, shall also be deemed a "veteran" and such  
 28 death or disability shall be considered wartime service-connected."

29 **SECTION 116.** G.S. 165-22 reads as rewritten:

30 **"§ 165-22. Classes or categories of eligibility under which scholarships may be awarded.**

31 A child, as defined in this Article, who falls within the provisions of any eligibility class  
 32 described below shall, upon proper application be considered for a scholarship, subject to the  
 33 provisions and limitations set forth for the class under which ~~he~~ the child is considered:

- 34 (1) Class I-A: Under this class a scholarship shall be awarded to any child
- 35 whose veteran parent
- 36 a. Was killed in action or died from wounds or other causes not due to
- 37 ~~his~~ the parent's own willful misconduct while a member of the armed
- 38 forces during a period of war, or
- 39 b. Has died of service-connected injuries, wounds, illness or other
- 40 causes incurred or aggravated during wartime service in the ~~armed~~
- 41 ~~forces,~~ Armed Forces, as rated by the United States Department of
- 42 Veterans Affairs.

43 ...

- 44 (3) Class II: Under this class a scholarship may be awarded to not more than 100
- 45 children yearly, each of whose veteran parent, at the time the benefits
- 46 pursuant to this Article are sought to be availed of:
- 47 a. Is or was at the time of ~~his~~ the parent's death receiving compensation
- 48 for a wartime service-connected disability of twenty percent (20%)
- 49 or more, but less than one hundred percent (100%), as rated by the
- 50 United States Department of Veterans Affairs, or

1           b.       Was awarded a Purple Heart for wounds received as a result of an act  
2                   of any opposing armed force, as a result of an international terrorist  
3                   attack, or as a result of military operations while serving as part of a  
4                   peacekeeping force.

5           ...  
6           (5)       Class IV: Under this class a scholarship as defined in G.S. 165-21 shall be  
7                   awarded to any child whose parent, while serving honorably as a member of  
8                   the ~~armed forces of the United States~~ Armed Forces in active federal service  
9                   during a period of war, as defined in G.S. 165-20(4), was listed by the  
10                  United States government as (i) missing in action, (ii) captured in line of  
11                  duty by a hostile force, or (iii) forcibly detained or interned in line of duty by  
12                  a foreign government or power."

13           **SECTION 117.** G.S. 165-24 reads as rewritten:

14   "**§ 165-24. Finding and declaration of necessity.**

15       It is hereby declared that conditions resulting from the concentration in various cities and  
16       towns of the State having a population of more than one hundred thousand inhabitants of  
17       persons serving in the ~~armed forces~~ Armed Forces of the United States in connection with the  
18       present war, or who after having served in the ~~armed services~~ Armed Forces of the United  
19       States during the present war, or previously have been honorably discharged, require the  
20       construction, maintenance and operation of adequate recreation facilities for the use of such  
21       persons; that it is in the public interest that adequate recreation facilities be provided in such  
22       concentrated centers; and the necessity, in the public interest, for the provisions hereinafter  
23       enacted is hereby declared as a matter of legislative determination."

24           **SECTION 118.** G.S. 165-25(10) reads as rewritten:

25       "(10) "Veteran" shall include every person who has enlisted or who has been  
26               inducted, warranted or commissioned, and who served honorably in active  
27               duty in the military ~~or naval~~ service of the United States at any time, and  
28               who is honorably separated or discharged from such service, or who, at the  
29               time of making use of the facilities, is still in active service, or has been  
30               retired, or who has been furloughed to a reserve. This definition shall be  
31               liberally construed, with a view completely to effectuate the purpose and  
32               intent of this Article."

33           **SECTION 119.** G.S. 165-39 reads as rewritten:

34   "**§ 165-39. Validity of acts of agent performed after death of principal.**

35       No agency created by a power of attorney in writing given by a principal who is at the time  
36       of execution, or who, after executing such power of attorney, becomes, either (i) a member of  
37       the ~~armed forces~~ Armed Forces of the United States, or (ii) a person serving as a merchant  
38       seaman outside the limits of the United States, included within the several states and the  
39       District of Columbia; or (iii) a person outside said limits by permission, assignment or direction  
40       of any department or official of the United States government, in connection with any activity  
41       pertaining to or connected with the prosecution of any war in which the United States is then  
42       engaged, shall be revoked or terminated by the death of the principal, as to the agent or other  
43       person who, without actual knowledge or actual notice of the death of the principal, shall have  
44       acted or shall act, in good faith, under or in reliance upon such power of attorney or agency,  
45       and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the  
46       heirs, devisees, legatees, or personal representatives of the principal."

47           **SECTION 120.** G.S. 165-43 reads as rewritten:

48   "**§ 165-43. Protecting status of State employees in ~~armed forces~~, Armed Forces, etc.**

49       Any employee of the State of North Carolina, who has been granted a leave of absence for  
50       service in either (i) the ~~armed forces~~ Armed Forces of the United States; or (ii) the ~~merchant~~  
51       ~~marine of the United States~~; United States Merchant Marine; or (iii) outside the continental

1 United States with the Red Cross, shall, upon return to State employment, if reemployed in the  
2 same position and if within the time limits set forth in the leave of absence, receive an annual  
3 salary of at least (i) the annual salary the employee was receiving at the time such leave was  
4 granted; plus (ii) an amount obtained by multiplying the step increment applicable to the  
5 employee's classification as provided in the classification and salary plan for State employees  
6 by the number of years of such service, counting a fraction of a year as a year; provided that no  
7 such employee shall receive a salary in excess of the top of the salary range applicable to the  
8 classification to which such employee is assigned upon return."

9 **SECTION 121.** G.S. 165-44 reads as rewritten:

10 **"§ 165-44. Korean and Vietnam veterans; benefits and privileges.**

11 (a) All benefits and privileges now granted by the laws of this State to veterans of  
12 World War I and World War II and their dependents and next of kin are hereby extended and  
13 granted to veterans of the Korean Conflict and their dependents and next of kin.

14 For the purposes of this section, the term "veterans of the Korean Conflict" means those  
15 persons serving in the ~~armed forces~~ Armed Forces of the United States during the period  
16 beginning on June 27, 1950, and ending on January 31, 1955.

17 (b) All benefits and privileges now granted by the laws of this State to veterans of  
18 World War I, World War II, the Korean Conflict, and their dependents and next of kin are  
19 hereby extended and granted to veterans of the Vietnam era and their dependents and next of  
20 kin.

21 For purposes of this section, the term "veterans of the Vietnam era" means those persons  
22 serving in the ~~armed forces~~ Armed Forces of the United States during the period beginning  
23 August 5, 1964, and ending on such date as shall be prescribed by Presidential proclamation or  
24 concurrent resolution of the Congress."

25 **SECTION 122.** G.S. 165-44.01(d)(1) reads as rewritten:

26 "(1) Military service medal. – Any medal, badge, ribbon, or other decoration  
27 awarded by the active or reserve components of the ~~armed forces~~ Armed  
28 Forces of the United States, ~~the North Carolina Air National Guard, or the~~  
29 ~~North Carolina Army National Guard~~ States or the North Carolina National  
30 Guard to members of those forces."

31 **SECTION 123.** The title of Article 7A of Chapter 165 of the General Statutes  
32 reads as rewritten:

33 "Article 7A.

34 Priority in Employment Assistance for ~~United States Armed Forces Veterans~~ Veterans of the  
35 Armed Forces of the United States."

36 **SECTION 124.** G.S. 165-44.2 reads as rewritten:

37 **"§ 165-44.2. Veteran defined.**

38 For the purposes of this Article, "veteran" means a person who served on active duty (other  
39 than for training) in any component of the ~~United States Armed Forces~~ of the United States for  
40 a period of 180 days or more, unless released earlier because of service-connected disability,  
41 and who was discharged or released from the ~~armed forces~~ Armed Forces of the United States  
42 under honorable conditions."

43 **SECTION 125.** G.S. 165-51 reads as rewritten:

44 **"§ 165-51. Program staff.**

45 The Division shall appoint and fix the salary of an Administrative Officer for the State  
46 veterans home program. The Administrative Officer shall be an honorably discharged veteran  
47 who has served in active military service in the ~~armed forces~~ Armed Forces of the United States  
48 for other than training purposes. The Administrative Officer shall direct the establishment of  
49 the State veterans home program, coordinate the master planning, land acquisition, and  
50 construction of all State veterans homes under the procedures of the Office of State  
51 Construction, and oversee the ongoing operation of said veterans homes. The Division may hire

1 any required additional administrative staff to help with administrative and operational  
2 responsibilities at each established State ~~Veterans Home~~. veterans home."

3 **SECTION 126.** G.S. 165-53(a) reads as rewritten:

4 "(a) To be eligible for admission to a State veterans home, an applicant shall meet the  
5 following requirements:

- 6 (1) The veteran shall have served in the active ~~armed forces~~ Armed Forces of  
7 the United States for other than training purposes;
- 8 (2) The veteran shall have been discharged from the ~~armed forces~~ Armed Forces  
9 of the United States under honorable conditions;
- 10 (3) The veteran shall be disabled by age, disease, or other reason as determined  
11 through a physical examination by a State veterans home physician; and
- 12 (4) The veteran shall have resided in the State of North Carolina for two years  
13 immediately prior to the date of application."

14 **SECTION 127.(a)** The Revisor of Statutes is authorized to substitute, consistent  
15 with this act, the term "Armed Forces of the United States" for the following terms, wherever  
16 these terms appear in the General Statutes, when referring to the Armed Forces of the United  
17 States:

- 18 (1) "armed forces."
- 19 (2) "Armed Forces."
- 20 (3) "armed forces of the United States."
- 21 (4) "armed services of the United States."
- 22 (5) "United States armed services."
- 23 (6) "United States armed forces."
- 24 (7) "United States Armed Forces."
- 25 (8) "U.S. armed forces."
- 26 (9) "U.S. Armed Forces."

27 **SECTION 127.(b)** The Revisor of Statutes is authorized to insert, consistent with  
28 this act, the words "United States" before references to the "army," "navy," "marine corps,"  
29 "coast guard," and "air force," wherever these terms appear in the General Statutes, when  
30 referring to a branch or branches of the Armed Forces of the United States, and to capitalize  
31 those terms.

32 **SECTION 127.(c)** The Revisor of Statutes is authorized to substitute, consistent  
33 with this act, the term "North Carolina National Guard" for the terms "National Guard,"  
34 "national guard," and "guard," wherever these terms appear in the General Statutes, when  
35 referring to the North Carolina National Guard.

36 **SECTION 128.** Except as provided in subsection (c) of Section 69 of this act, this  
37 act is effective when it becomes law.