

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Refrigeration Examiners

RULE CITATION: 21 NCAC 60 .0214

**DEADLINE FOR RECEIPT: Friday, January 9, 2015**

***NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*On the Submission for Permanent Rule Form, change the citation to 21 NCAC 60 .0214*

*In the Rule, insert a proper introductory statement per Rule 26 NCAC 02C .0404. "Rule 21 NCAC 60 .0214 is adopted as published in 29:08 NCR 943-944 with changes as follows:"*

*In Paragraphs (a) and (b), lines 6 and 14, I don't read the clause "to the applicant who satisfies the following conditions" to then lead to "submission of..." Shouldn't it be "submits" or "provides" in (a)(1) through (4) and (b)(1) through (6)?*

*In Subparagraphs (a)(1) and (b)(1), where is the content of this application found? Forms do not have to be in Rules if the contents are found in rule or law, but I don't see that set forth in rule or law. Further, how does one get the application? What do you mean by "complete" on lines 7 and 15?*

*In Subparagraphs (a)(2) and (b)(2), I do not read G.S. 87-58 to set a fee. If you want to cite to a statute, I believe you mean G.S. 87-64, which states:*

**§ 87-64. Examination and license fees; annual renewal.**

**Each applicant for a license by examination shall pay to the Board of Refrigeration Examiners a nonrefundable examination fee in an amount not to exceed the sum of forty dollars (\$40.00). In the event the applicant successfully passes the examination, the examination fee shall be applied to the license fee required of licensees for the current year in which the examination was taken and passed.**

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 23, 2014

*However, I believe you should cite to G.S. 87-64 and Rule 21 NCAC 60 .0209, which states:*

**21 NCAC 60 .0209 FEES**

Fees shall be set at the statutory maximum for the following:

- (1) Examination application/initial licensure;
- (2) License renewal;
- (3) License reinstatement.

*History Note: Authority G.S. 87-58(d); 87-64;  
Eff. May 1, 1989.*

*In Subparagraphs (a)(3) and (b)(4), to the satisfaction of whom?*

*Session Law 2014-67 (attached) amended G.S. 93B-15.1 to add (c)(1). That section of the statute states that each licensing board is required to publish a document on its website with the criteria for licensure, registration, or certification by the Board and a description of the requirements that will be satisfied by the military training. Given that requirement, do you want to include your website address in this Rule? If so, is this the appropriate url:*

*<http://www.refrigerationboard.org/applytotakeexam/military.html>*

*In Subparagraph (b)(6), you state "license, certification, or permit." Is this license a permit or certification in other jurisdictions?*

*In the History Note, G.S. 87-59B does not exist. What statute did you mean to cite to?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 23, 2014

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

**SESSION LAW 2014-67  
SENATE BILL 761**

AN ACT TO ENHANCE THE EFFECTIVENESS OF THE OCCUPATIONAL LICENSING OF MILITARY SERVICE MEMBERS AND VETERANS AND TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO SUBMIT A PLAN THAT WILL ENSURE THAT COLLEGE CREDITS ARE UNIFORMLY GRANTED TO STUDENTS WITH MILITARY TRAINING.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 93B-15.1 reads as rewritten:

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

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

- (1) Has been awarded a military occupational specialty and has done all of the following at a level that is substantially equivalent to or exceeds the requirements for licensure, certification, or registration of the occupational licensing board from which the applicant is seeking licensure, certification, or registration in this State: completed a military program of training, completed testing or equivalent training and ~~experience as determined by the board, experience, and performed in the occupational specialty.~~
- (2) Has engaged in the active practice of the occupation for which the person is seeking a license, certification, or permit from the occupational licensing board in this State for at least two of the five years preceding the date of the application under this section.
- (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.
- (4) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.

(a1) No later than 30 days following receipt of an application, an occupational licensing board shall notify an applicant when the applicant's military training or experience does not satisfy the requirements for licensure, certification, or registration and shall specify the criteria or requirements that the board determined that the applicant failed to meet and the basis for that determination.

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

- (1) Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration of the occupational licensing board for



which the applicant is seeking licensure, certification, or registration in this State.

- (2) Can demonstrate competency in the occupation through methods as determined by the Board, such as having completed continuing education units or having had recent experience for at least two of the five years preceding the date of the application under this section.
- (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.
- (4) Is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit.
- (5) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.

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

(c1) Each occupational licensing board shall publish a document that lists the specific criteria or requirements for licensure, registration, or certification by the board, with a description of the criteria or requirements that are satisfied by military training or experience as provided in this section, and any necessary documentation needed for obtaining the credit or satisfying the requirement. The information required by this subsection shall be published on the occupational licensing board's Web site and the Web site of the North Carolina Division of Veterans Affairs.

...."

**SECTION 2.** Each occupational licensing board shall contact training offices at military installations or any other federal offices that provide information on military occupational specialties and training for the purpose of (i) acquiring information necessary for an adequate understanding of military training and job requirements and (ii) assisting in determining the applicability and correlation of military training and experience to the criteria and requirements for licensure, certification, or registration. No later than September 1, 2014, each occupational licensing board shall submit a report to the cochairs of the Legislative Research Commission Study Committee on Civilian Credit for Military Training and State Adjutant Selection Criteria with the status of the document required by Section 1 of this act and the results of their consultation with military training officials as required by this section.

**SECTION 3.** The Board of Governors of The University of North Carolina and the State Board of Community Colleges shall jointly develop a plan for implementing a uniform system of granting course credits to all students enrolled in constituent institutions of The University of North Carolina and all students enrolled in State community colleges based on the students' military training or experience. The plan shall include a description of the procedure to be utilized in evaluating military training or experience and its correlation to school course credits and the process for the transfer of course credits between constituent institutions and community colleges when course credit has been granted by any institution or community college based upon military training or experience. As part of the plan, the Board of Governors of The University of North Carolina, in consultation with the State Board of Community Colleges, shall consider a process for recognizing Associate of Arts or Associate of Science degrees granted by institutions that are participants in the Servicemembers Opportunity Colleges Consortium or the Community College of the Air Force.

No later than September 1, 2014, the Board of Governors of The University of North Carolina and the State Board of Community Colleges shall provide a report to the Joint Legislative Education Oversight Committee, the cochairs of the House Homeland Security, Military, and Veterans Affairs Committee, and the cochairs of the Legislative Research Commission Study Committee on Civilian Credit for Military Training on the progress toward developing the plan required by this section. No later than January 1, 2015, the Board of Governors of The University of North Carolina and the State Board of Community Colleges shall submit the plan and any recommendations to the Joint Legislative Education Oversight Committee, the cochairs of the House Homeland Security, Military, and Veterans Affairs

Committee, and the cochairs of the Legislative Research Commission Study Committee on Civilian Credit for Military Training and State Adjutant Selection Criteria.

**SECTION 4.** The Board of Governors of The University of North Carolina and the State Board of Community Colleges, through the North Carolina Community College System Office, shall consult with the North Carolina National Guard Education and Employment Center, the North Carolina Department of Commerce, the North Carolina Department of Labor, and any other State or federal agencies as appropriate, to do the following: (i) study "Knowledge Gap Fulfillment," the continuation, development, and creation of programs that provide maximum credit for military training or experience that meet North Carolina licensing, certification, or credential standards; (ii) identify job development programs that require the same Military Occupational Skills (MOS) or share the same aptitude skills required to complete the program; (iii) identify existing Veterans Administration (VA) approved nondegree programs conducted in other states that have a high employment demand in North Carolina; (iv) determine the ability of State community colleges or other training centers to conduct these nondegree programs; and (v) identify and develop similar short-term programs that meet the needs of North Carolina-specific, high employment technical career fields. A consideration in all program studies in this section shall be VA-approved for educational benefits with the North Carolina State Approval Agency. The Board of Governors of The University of North Carolina and the State Board of Community Colleges shall report to the Joint Legislative Education Oversight Committee, the cochairs of the House Homeland Security, Military, and Veterans Affairs Committee, and the cochairs of the Legislative Research Commission Study Committee on Civilian Credit for Military Training and State Adjutant Selection Criteria with recommendations and any proposed legislation no later than December 15, 2014.

**SECTION 5.** Section 1 of this act becomes effective January 1, 2015. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1<sup>st</sup> day of July, 2014.

s/ Daniel J. Forest  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 9:25 a.m. this 10<sup>th</sup> day of July, 2014

1 21 NCAC 60.0214 is adopted as follows:  
2

3 **21 NCAC 60.0214 LICENSURE FOR MILITARY-TRAINED APPLICANT; LICENSURE FOR**  
4 **MILITARY SPOUSE**

5 (a) Licensure for a military-trained applicant. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a  
6 military-trained applicant, the Board shall issue a license to the applicant who satisfies the following conditions:

- 7 (1) submission of a complete Application for License to Practice Refrigeration Contracting;
- 8 (2) submission of a license fee in accordance with G.S. 87-58;
- 9 (3) providing documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1) and (2); and
- 10 (4) providing documentation that the applicant has not committed any act in any jurisdiction that would  
11 constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the  
12 act was committed.

13 (b) Licensure for a military spouse. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military  
14 spouse, the Board shall issue a license to the applicant who satisfies the following conditions:

- 15 (1) submission of a complete Application for License to Practice Refrigeration Contracting;
- 16 (2) submission of a license fee in accordance with G.S. 87-58;
- 17 (3) submission of written documentation demonstrating that the applicant is married to an active member  
18 of the U.S. military;
- 19 (4) providing documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1) and (2);
- 20 (5) providing documentation that the applicant has not committed any act in any jurisdiction that would  
21 constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the  
22 act was committed; and
- 23 (6) is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license,  
24 certification, or permit.

25  
26 *History Note: Authority G.S. 87-59B; 93B-15.1*  
27 *Effective February 1, 2015.*