

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 942*

Short Title: 2005 Military Support Act. (Public)

Sponsors: Representatives Glazier, Dickson, Underhill, Pate (Primary Sponsors);
Harrison, Martin, Pierce, Rapp, Steen, and Wainwright.

Referred to: Appropriations.

March 28, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AND
3 GUARDSMEN SUPPORT ACT.

4 Whereas, North Carolina is the home of Fort Bragg, and the XVIII Airborne
5 Corps, with the 82nd Airborne Division as the Army's premier force to project power
6 anywhere in the world on little or no notice; and

7 Whereas, Fort Bragg is the home of the U.S. Army Special Operations
8 Command, the U.S. Army John F. Kennedy Special Warfare Center and School, and of
9 all Army Special Forces soldiers; and

10 Whereas, Pope Air Force Base and the 317th Airlift Wing play a vital role in
11 our nation's defense by providing the means to deliver troops and equipment wherever
12 needed in the world; and

13 Whereas, North Carolina is the home of Camp Lejeune, one of the nation's
14 largest Marine Corps bases, and provides the training necessary to keep the Marines in a
15 high state of readiness for any mission; and

16 Whereas, North Carolina is the home of Seymour Johnson Air Force Base,
17 the base of an active air combat wing that can deploy worldwide on short notice and
18 immediately generate combat power; and

19 Whereas, North Carolina is the home of the largest Marine Corps air station
20 in the world, Cherry Point Marine Corps Air Station, and is the home of the 2d Marine
21 Corps Aircraft Wing, the Naval Air Depot, and the Marine Corps Air Station at New
22 River; and

23 Whereas, North Carolina is the home of several United States Coast Guard
24 stations, including the United States Coast Guard Air Station at Elizabeth City, with
25 missions that include search and rescue, international ice patrol, maritime law
26 enforcement, aids to navigation, and environmental response; and

1 Whereas, North Carolina ranks high in the United States with 4.5 percent of
2 the total military payroll, and that defense spending in the 2002 federal fiscal year in
3 North Carolina was approximately \$6.7 billion; and

4 Whereas, the military in North Carolina materially affects North Carolina's
5 economy, generating approximately \$18 billion per year; Now, therefore,
6 The General Assembly of North Carolina enacts:

7
8 PART I. FINDINGS.

9 **SECTION 1.1.** The General Assembly expresses its appreciation to the
10 Department of Defense for the military bases and installations that are located in the
11 State of North Carolina and that are vital parts of the national defense of the United
12 States.

13 **SECTION 1.2.** The General Assembly declares its full support for its
14 military installations and acknowledges the important role of the military in North
15 Carolina's economy.

16 **SECTION 1.3.** The General Assembly has enacted several recent acts to
17 accommodate the military and intends to continue:

- 18 (1) S.L. 2004-203, Section 80 (deployed personnel get extension to renew
19 occupational licenses).
- 20 (2) S.L. 2004-130 (active duty personnel get in-State tuition rate at
21 universities and community colleges; dependent relative continues to
22 receive in-State rate if member reassigned; nonresident NC National
23 Guard members get in-State rate).
- 24 (3) S.L. 2003-152 (DMV to have a military designation for drivers'
25 licenses; allow renewal by mail).
- 26 (4) S.L. 2003-248 (allow redaction of personal identifying information
27 from military discharges filed with Register of Deeds).
- 28 (5) S.L. 2003-300 (extend drivers license to 90 days following end of
29 deployment; waive civil penalties and fees for lapsed motor vehicle
30 liability insurance; extend property tax filing deadline; extend property
31 listing deadline; grant full refund of tuition and fees from UNC system
32 and community colleges if deployed; waive repayment of NC
33 Legislative Tuition Grants if student called to active duty).

34
35 PART II. MILITARY FUEL TAX APPROPRIATION.

36 **SECTION 2.1.** Article 2 of Chapter 136 of the General Statutes is amended
37 by adding a new section to read:

38 **"§ 136-41.9. Appropriation for military installations.**

39 There is annually appropriated from the State Highway Fund to the United States
40 Department of Defense a sum equal to the estimated net amount after refunds that was
41 produced during the proceeding fiscal year by a thirteen and one-half cents (13.5¢) tax
42 on each gallon of motor fuel and alternative fuel taxed under Article 36C or 36D of
43 Chapter 105 of the General Statutes and sold within a military installation.

1 One half of the waived taxes, six and three quarters cents (6.75¢) collected per
2 gallon, shall be used by the Department of Defense for community services and other
3 expenditures to improve quality-of-life programs for military members and their
4 families in North Carolina. These funds are provided to the United States to be an
5 addition to the funds already spent for quality-of-life and morale at military bases and
6 not to supplant those funds. In the event the United States reduces its federal aid to
7 impacted areas beyond the current amount, then all funds collected under this section
8 and used for quality-of-life and base morale programs will revert to the school boards of
9 Craven, Cumberland, Onslow, and Wayne counties in proportion to the amount of tax
10 collected in those counties.

11 One half of the waived taxes, six and three quarters cents (6.75¢) collected per
12 gallon, shall be deposited in the Conservation Grant Fund established pursuant to
13 G.S. 113A-232. The funds deposited in the Conservative Grant Fund pursuant to this
14 section shall be used solely for compatible land use and conservation easement type
15 acquisitions of land adjacent to military bases and flyways."

16 **SECTION 2.2.** G.S. 105-449.62 reads as rewritten:

17 **"§ 105-449.62. Nature of tax.**

18 This Article imposes a tax on motor fuel to provide revenue for the State's
19 transportation ~~needs and needs,~~ for the other purposes listed in Part 7 of this
20 ~~Article.~~Article, and for the purposes provided in G.S. 136-41.9. The tax is collected
21 from the supplier or importer of the fuel because this method is the most efficient way
22 to collect the tax. The tax is designed, however, to be paid ultimately by the person who
23 consumes the fuel. The tax becomes a part of the cost of the fuel and is consequently
24 paid by those who subsequently purchase and consume the fuel."

25 **SECTION 2.3.** This Part becomes effective July 1, 2006.

26
27 **PART III. ENCOURAGE CERTAIN OCCUPATIONAL LICENSING BOARDS TO**
28 **DEVELOP POLICIES FOR EXPEDITING THE LICENSING PROCESS FOR**
29 **MILITARY SPOUSES.**

30 **SECTION 3.1.** Findings. – The General Assembly finds that:

- 31 (1) According to the Department of Defense, the unemployment rate of
32 military spouses is three times greater than the average American
33 spouse in the same age group; and
34 (2) The mobile military lifestyle causes some military spouses to endure
35 long periods of unemployment, and thus, loss of income; and
36 (3) Professional licensing requirements often differ among states, which in
37 turn may limit career advancement or deter reentry into the workforce
38 for military families moving to new locations.

39 **SECTION 3.2.(a)** In an effort to support military personnel and their
40 families, each occupational licensing board in this State is encouraged to develop
41 policies that would make the licensing process for military spouses more efficient and
42 expedient. In expediting the licensing process, an occupational licensing board shall
43 review its current licensing process especially as it relates to military personnel. After
44 reviewing the licensing process, the licensing board may develop and implement

1 policies regarding licensure that provide for assistance to military spouses and
2 dependents to ensure a smooth process when military families move into this State or
3 are transferred out of this State. Implementation of these policies shall not apply to
4 occupational licensing boards regulating health care professionals.

5 **SECTION 3.2.(b)** This section does not apply to health professions or to
6 teaching.

7
8 **PART IV. NEAT/FIT.**

9 **SECTION 4.1.** G.S. 115D-5 is amended by adding a new subsection to read:

10 "(o) Notwithstanding any other provision of law, the State Board of Community
11 Colleges may adopt rules and guidelines that allow the New and Expanding Industry
12 Training Program and the Focused Industrial Training Program to use funds
13 appropriated for those Programs to support training projects for the various branches of
14 the United States Armed Forces."

15
16 **PART V. ALLOWING MEMBERS OF THE ARMED FORCES TO TERMINATE**
17 **RENTAL AGREEMENTS EARLY WHEN BEING DEPLOYED.**

18 **SECTION 5.1.** G.S. 42-45(a) reads as rewritten:

19 "(a) Any member of the United States Armed Forces who (i) is required to move
20 pursuant to permanent change of station orders to depart 50 miles or more from the
21 location of the dwelling unit, ~~or~~(ii) is prematurely or involuntarily discharged or
22 released from active duty with the United States Armed Forces, or (iii) is required to
23 move due to deployment may terminate his rental agreement for a dwelling unit by
24 providing the landlord with a written notice of termination to be effective on a date
25 stated in the notice that is at least 30 days after the landlord's receipt of the notice. The
26 notice to the landlord must be accompanied by either a copy of the official military
27 orders or a written verification signed by the member's commanding officer."

28
29 **PART VI. DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO**
30 **APPOINT A LIAISON TO THE MILITARY BASES IN NORTH CAROLINA.**

31 **SECTION 6.1.** The Department of Public Instruction shall appoint an
32 employee to serve as its liaison to the military bases in North Carolina. It shall be the
33 responsibility of the liaison to facilitate communication and cooperation between (i)
34 military personnel and their families and the Department and (ii) military personnel and
35 their families and the North Carolina public schools.

36
37 **PART VII. DIRECTING THE STATE BOARD OF EDUCATION AND THE BOARD**
38 **OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REVIEW**
39 **AND REVISE THE POLICIES AND PROCEDURES REGARDING CREDIT FOR**
40 **HIGH SCHOOL COURSES TO ENSURE THAT ALL STUDENTS, ESPECIALLY**
41 **THE CHILDREN OF MILITARY PERSONNEL, RECEIVE CREDIT FOR**
42 **COURSES TAKEN OUT-OF-STATE.**

43 **SECTION 7.1.** The State Board of Education shall review and revise the
44 policies and practices related to students receiving credit for high school courses to

1 ensure that all students, especially the highly mobile children of members of the armed
2 forces, receive credit in the North Carolina public schools for comparable courses taken
3 out of State. The State Board shall report the results of this review and any actions
4 taken as a result of the study to modify its policies and practices to the Joint Legislative
5 Education Oversight Committee prior to December 15, 2005.

6
7 **PART VIII. APPROPRIATE FUNDS TO MAKE MEMBERS OF THE MILITARY**
8 **AWARE OF THE TROOPS TO TEACHERS PROGRAM.**

9 **SECTION 8.1.** There is appropriated from the General Fund to the
10 Department of Public Instruction the sum of twenty-five thousand dollars (\$25,000) for
11 the 2005-2006 fiscal year and the sum of twenty-five thousand dollars (\$25,000) for the
12 2006-2007 fiscal year to make members of the military and military retirees aware of
13 the Troops to Teachers Program.

14 **SECTION 8.2.** This Part becomes effective July 1, 2005.

15
16 **PART IX. A STUDENT IS ELIGIBLE TO BE CONSIDERED FOR ADMISSION**
17 **INTO THE SCHOOL OF SCIENCE AND MATHEMATICS IF THE STUDENT'S**
18 **PARENT IS AN ACTIVE DUTY MEMBER OF THE ARMED SERVICES**
19 **STATIONED IN THIS STATE AT THE TIME THE STUDENT'S APPLICATION IS**
20 **SUBMITTED.**

21 **SECTION 9.1.** G.S. 116-235(b)(1) reads as rewritten:

22 "(1) Admission of Students. – The School shall admit students in
23 accordance with criteria, standards, and procedures established by the
24 Board of Trustees. To be eligible to be considered for admission, an
25 applicant must be either a legal resident of the State, as defined by
26 ~~G.S. 116-143.1(a)(1); G.S. 116-143.1(a)(1)~~ or a student whose parent
27 is an active duty member of the armed services as defined by
28 G.S. 116-143.3(2) who is abiding in this State incident to active
29 military duty at the time the application is submitted, provided the
30 student shares the abode of that parent; eligibility to remain enrolled in
31 the School shall terminate at the end of any school year during which a
32 student becomes a nonresident of the State. The Board of Trustees
33 shall ensure, insofar as possible without jeopardizing admission
34 standards, that an equal number of qualified rising high school juniors
35 is admitted to the program and to the residential summer institutes in
36 science and mathematics from each of North Carolina's congressional
37 districts. In no event shall the differences in the number of rising high
38 school juniors offered admission to the program from each of North
39 Carolina's congressional districts be more than two and one-half
40 percentage points from the average number per district who are offered
41 admission."

42 **SECTION 9.2.** This Part is effective when it becomes law and applies to the
43 2005-2006 academic year and each subsequent academic year.

1 PART X. INCREASE THE CAPS ON FUNDING FOR CHILDREN WITH
2 DISABILITIES AND FOR ACADEMICALLY GIFTED CHILDREN.

3 **SECTION 10.1.** There is appropriated from the General Fund to the
4 Department of Public Instruction the sum of twenty-one million two hundred two
5 thousand seven hundred seventy-seven dollars (\$21,202,777) for the 2005-2006 fiscal
6 year and the sum of twenty-one million five hundred forty-two thousand twenty-one
7 dollars (\$21,542,021) for the 2006-2007 school year for children with disabilities. The
8 State Board of Education shall allocate these funds to local school administrative units
9 on a per child basis. Each local school administrative unit shall receive funds for the
10 lesser of (i) all children who are identified as children with disabilities, or (ii) thirteen
11 and five-tenths percent (13.5%) of the allocated average daily membership for the
12 school year in the local school administrative unit.

13 The dollar amounts allocated under this section for children with disabilities
14 shall also adjust in accordance with legislative salary increments, retirement rate
15 adjustments, and health benefit adjustments for personnel who serve children with
16 disabilities.

17 **SECTION 10.2.** There is appropriated from the General Fund to the
18 Department of Public Instruction the sum of twelve million eight hundred seventy-nine
19 thousand three hundred twenty-nine dollars (\$12,879,329) for the 2005-2006 fiscal year
20 and the sum of thirteen million one hundred twenty-four thousand thirty-six dollars
21 (\$13,124,036) for the 2006-2007 school year for academically or intellectually gifted
22 children. The State Board of Education shall allocate these funds to local school
23 administrative units on a per child basis. Each local school administrative unit shall
24 receive funds for a maximum of five percent (5%) of the allocated average daily
25 membership for the school year, regardless of the number of children identified as
26 academically or intellectually gifted in the unit.

27 The dollar amounts allocated under this section for academically or
28 intellectually gifted children shall also adjust in accordance with legislative salary
29 increments, retirement rate adjustments, and health benefit adjustments for personnel
30 who serve academically or intellectually gifted children.

31 **SECTION 10.3.** This Part becomes effective July 1, 2005.

32
33 PART XI. DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO
34 MAINTAIN MEMBERSHIP IN THE MILITARY CHILD EDUCATION
35 COALITION.

36 **SECTION 11.1.** The Department of Public Instruction shall maintain
37 membership in the Military Child Education Coalition. The Military Child Education
38 Coalitions is a 501(c)(3) nonprofit, worldwide organization that identifies the challenges
39 that face the highly mobile military child, increases awareness of these challenges in
40 military and educational communities and initiates and implements programs to meet
41 the challenges. The Coalition's goal is to level the educational playing field for military
42 children wherever they are located around the world and to serve as a model for all
43 highly mobile children.

1 PART XII. EFFECTIVE DATE.

2 SECTION 12. Except as provided otherwise, this act is effective when it
3 becomes law.