GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2005**

SENATE BILL 1117

Senators Rand, Kerr and Thomas.

(Public)

1

Referred to: Appropriations/Base Budget.

March 24, 2005

A BILL TO BE ENTITLED

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

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

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

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

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

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

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

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

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

S

Short Title: 2005 Military Support Act.

Sponsors:

1 2

3

4 5 6

7 8

9 10

11

12 13

15 16

17

14

18 19

20

21 22

23 24

25 26

27

28 29 12 ecc3 Th

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

PART I. FINDINGS.

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

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

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

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

PART II. MILITARY FUEL TAX APPROPRIATION.

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

"§ 136-41.9. Appropriation for military installations.

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

One half of the waived taxes, six and three quarters cents (6.75¢) collected per gallon, shall be used by the Department of Defense for community services and other expenditures to improve quality-of-life programs for military members and their families in North Carolina. These funds are provided to the United States to be an

addition to the funds already spent for quality-of-life and morale at military bases and not to supplant those funds. In the event the United States reduces its federal aid to impacted areas beyond the current amount, then all funds collected under this section and used for quality-of-life and base morale programs will revert to the school boards of Craven, Cumberland, Onslow, and Wayne counties in proportion to the amount of tax collected in those counties.

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

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

"§ 105-449.62. Nature of tax.

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

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

PART III. ENCOURAGE CERTAIN OCCUPATIONAL LICENSING BOARDS TO DEVELOP POLICIES FOR EXPEDITING THE LICENSING PROCESS FOR MILITARY SPOUSES.

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

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

SECTION 3.2.(a) In an effort to support military personnel and their families, each occupational licensing board in this State is encouraged to develop policies that would make the licensing process for military spouses more efficient and expedient. In expediting the licensing process, an occupational licensing board shall review its current licensing process especially as it relates to military personnel. After reviewing the licensing process, the licensing board may develop and implement policies regarding licensure that provide for assistance to military spouses and dependents to ensure a smooth process when military families move into this State or are transferred out of this State. Implementation of these policies shall not apply to occupational licensing boards regulating health care professionals.

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

PART IV. NEAT/FIT.

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

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

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

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

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

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

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

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

SECTION 7.1. The State Board of Education shall review and revise the policies and practices related to students receiving credit for high school courses to ensure that all students, especially the highly mobile children of members of the armed forces, receive credit in the North Carolina public schools for comparable courses taken out of State. The State Board shall report the results of this review and any actions

taken as a result of the study to modify its policies and practices to the Joint Legislative Education Oversight Committee prior to December 15, 2005.

2 3 4

5

6

7

8

9

10

1

PART VIII. APPROPRIATE FUNDS TO MAKE MEMBERS OF THE MILITARY AWARE OF THE TROOPS TO TEACHERS PROGRAM.

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

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

11 12 13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29 30

31 32

33

3435

36

3738

39

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

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

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

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

40 41 42

43

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

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

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

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

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

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

1 2

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

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

PART XII. EFFECTIVE DATE.

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