

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**SENATE BILL 1117  
Rules and Operations of the Senate Committee Substitute Adopted 5/12/05**

Short Title: 2005 Military Support Act.

(Public)

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Sponsors:

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Referred to:

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March 24, 2005

A BILL TO BE ENTITLED

1 AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND  
2 GUARDSMEN SUPPORT ACT.  
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4 Whereas, North Carolina is the home of Fort Bragg, and the XVIII Airborne  
5 Corps, with the 82<sup>nd</sup> 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 317<sup>th</sup> 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 2nd 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

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



1       (b) Rate. – The distribution rate is one-third of the sum of the flat  
2 cents-per-gallon rate in effect during the year for which the distribution is made and the  
3 average of the two variable cents-per-gallon rates in effect during that year.

4       (c) Report. – Each military installation exchange in this State must report to the  
5 Secretary by October 15 of each year the amount of motor fuel sold by the exchange  
6 within the military installation during the previous fiscal year. The report must be in the  
7 form required by the Secretary. No distribution will be made for reports filed after the  
8 due date.

9       (d) Use. – Funds distributed to a military installation exchange under this section  
10 must be deposited in the Military Morale, Recreation, and Welfare Fund for that  
11 installation and used only for community services and other expenditures to improve  
12 quality-of-life programs for military members and their families in North Carolina."

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

14       "**§ 105-449.62. Nature of tax.**

15       This Article imposes a tax on motor fuel to provide revenue for the State's  
16 transportation ~~needs~~~~and~~~~needs~~, for the other purposes listed in Part 7 of this  
17 ~~Article.~~Article, and for the purposes provided in G.S. 105-449.128. The tax is collected  
18 from the supplier or importer of the fuel because this method is the most efficient way  
19 to collect the tax. The tax is designed, however, to be paid ultimately by the person who  
20 consumes the fuel. The tax becomes a part of the cost of the fuel and is consequently  
21 paid by those who subsequently purchase and consume the fuel."

22       **SECTION 2.3.** This Part becomes effective July 1, 2006, and applies to  
23 motor fuel sold on or after that date. The first reports under G.S. 105-449.128, as  
24 enacted by this act, are due by October 14, 2006.

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

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

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

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

1 dependents to ensure a smooth process when military families move into this State or  
2 are transferred out of this State. Implementation of these policies shall not apply to  
3 occupational licensing boards regulating health care professionals.

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

6  
7 **PART IV. NEIT/FIT.**

8 **SECTION 4.** G.S. 115D-5 is amended by adding a new subsection to read:

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

14  
15 **PART V. ALLOWING MEMBERS OF THE ARMED FORCES TO TERMINATE**  
16 **RENTAL AGREEMENTS EARLY WHEN BEING DEPLOYED.**

17 **SECTION 5.** G.S. 42-45(a) reads as rewritten:

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

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

30 **SECTION 6.** The Department of Public Instruction shall appoint an  
31 employee to serve as its liaison to the military bases in North Carolina. It shall be the  
32 responsibility of the liaison to facilitate communication and cooperation between (i)  
33 military personnel and their families and the Department and (ii) military personnel and  
34 their families and the North Carolina public schools.  
35

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

42 **SECTION 7.** The State Board of Education shall review and revise the  
43 policies and practices related to students receiving credit for high school courses to  
44 ensure that all students, especially the highly mobile children of members of the armed

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

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6 PART VIII. ALLOWING IN-STATE TUITION AT STATE UNIVERSITIES AND  
7 COMMUNITY COLLEGES FOR ARMED SERVICES PERSONNEL AND THEIR  
8 DEPENDENTS.

9 SECTION 8. G.S. 116-143.3 reads as rewritten:

10 "§ 116-143.3. Tuition of ~~active duty personnel in the armed services.~~armed  
11 services personnel and their dependents.

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

- 13 (1) The term "abode" shall mean the place where a person actually lives,  
14 whether temporarily or permanently; the term "abide" shall mean to  
15 live in a given place.  
16 (2) The term "armed services" shall mean the United States Air Force,  
17 Army, Coast Guard, Marine Corps, and Navy; the North Carolina  
18 National Guard; and any Reserve Component of the foregoing.  
19 (3) The term "tuition assistance" shall be used as defined in the United  
20 States Department of Defense Directive 1322.8, implementing 10  
21 U.S.C. § 2007.

22 (b) Any active duty member of the armed services qualifying for admission to an  
23 institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a  
24 resident for tuition purposes under G.S. 116-143.1 shall be charged the in-State tuition  
25 rate and applicable mandatory fees for enrollments while the member of the armed  
26 services is abiding in this State incident to active military duty in this State. In the event  
27 the active duty member of the armed services is reassigned outside of North ~~Carolina,~~  
28 Carolina or retires, the member shall continue to be eligible for the in-State tuition rate  
29 and applicable mandatory fees so long as the member is continuously enrolled in the  
30 degree or other program in which the member was enrolled at the time the member is  
31 reassigned.

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

33 (c) Any dependent relative of a member of the armed services who is abiding  
34 in this State incident to active military duty, as defined by the Board of Governors of  
35 The University of North Carolina and by the State Board of Community Colleges while  
36 sharing the abode of that member shall be eligible to be charged the in-State tuition rate,  
37 if the dependent relative qualifies for admission to an institution of higher education as  
38 defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the  
39 requirements of the Selective Service System, if applicable, in order to be accorded this  
40 benefit. In the event the member of the armed services is reassigned outside of North  
41 ~~Carolina,~~ Carolina or retires, the dependent relative shall continue to be eligible for the  
42 in-State tuition rate and applicable mandatory fees so long as the dependent relative is  
43 continuously enrolled in the degree or other program in which the dependent relative  
44 was enrolled at the time the member is reassigned.

1 (d) ~~The burden of proving entitlement to the benefit of this section shall lie with~~  
2 ~~the applicant therefor.~~ The person applying for the benefit of this section has the burden  
3 of proving entitlement to the benefit.

4 (e) A person charged less than the out-of-state tuition rate solely by reason of this  
5 section shall not, during the period of receiving that benefit, qualify for or be the basis  
6 of conferring the benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or (l)."  
7

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

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

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

34 **SECTION 9.2.** This Part is effective when it becomes law and applies to the  
35 2005-2006 academic year and each subsequent academic year.  
36

37 PART X. EFFECTIVE DATE.

38 **SECTION 10.** Except as provided otherwise, this act is effective when it  
39 becomes law.