

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**S**

**3**

**SENATE BILL 1117**

**Rules and Operations of the Senate Committee Substitute Adopted 5/12/05  
Appropriations/Base Budget Committee Substitute Adopted 7/27/05**

Short Title: 2005 Military Support Act.

(Public)

---

Sponsors:

---

Referred to:

---

March 24, 2005

A BILL TO BE ENTITLED

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

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 2<sup>nd</sup> 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 the year for which the distribution is made and the average of the two variable  
2 cents-per-gallon rates in effect during that year.

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

8 (c) Distribution to RLUAC. – On or before February 1 of each year, the  
9 Secretary must distribute from the amount determined under subsection (a) of this  
10 section the sum of thirty-five thousand dollars (\$35,000) to Fort Bragg/Pope Air Force  
11 Base Regional Land Use Advisory Commission, Inc., a nonprofit corporation. The  
12 Regional Land Use Advisory Commission must use the distribution for operating  
13 expenses incurred while fostering compatible land use in areas impacted by both  
14 proposed civilian development and military training activities around Fort Bragg and  
15 Pope Air Force Base.

16 (d) Distribution of Remainder. – On or before February 1 of each year, the  
17 Secretary must distribute the amount determined under subsection (a) of this section less  
18 the amount distributable under subsection (c) of this section, as provided in this  
19 subsection:

20 (1) Military installations. – The Secretary must distribute one-half of the  
21 remaining distributable amounts to the military installation exchanges  
22 that filed a timely report under subsection (b) of this section. The  
23 amount distributed to each military installation exchange is its  
24 proportionate share based upon the amount of motor fuel sold by the  
25 exchange within the military installation during the previous fiscal  
26 year. Funds distributed to a military installation exchange under this  
27 subdivision must be deposited in the Military Morale, Recreation, and  
28 Welfare Fund for that installation and used only for community  
29 services and other expenditures to improve quality-of-life programs for  
30 military members and their families in North Carolina.

31 (2) Conservation Grant Fund. – The Secretary must distribute one-half of  
32 the remaining distributable amounts to the Conservation Grant Fund  
33 established under G.S. 113A-232. Funds distributed to the  
34 Conservation Grant Fund under this subdivision must be used for  
35 compatible land use and conservation easement type acquisitions of  
36 land adjacent to military bases and flyways."

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

38 **"§ 105-449.62. Nature of tax.**

39 This Article imposes a tax on motor fuel to provide revenue for the State's  
40 transportation ~~needs~~ ~~and~~ ~~needs~~, for the other purposes listed in Part 7 of this  
41 ~~Article~~ ~~Article~~, and for the purposes provided in G.S. 105-449.128. The tax is collected  
42 from the supplier or importer of the fuel because this method is the most efficient way  
43 to collect the tax. The tax is designed, however, to be paid ultimately by the person who

1 consumes the fuel. The tax becomes a part of the cost of the fuel and is consequently  
2 paid by those who subsequently purchase and consume the fuel."

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

6  
7 **PART III. ENCOURAGE CERTAIN OCCUPATIONAL LICENSING BOARDS TO**  
8 **DEVELOP POLICIES FOR EXPEDITING THE LICENSING PROCESS FOR**  
9 **MILITARY SPOUSES.**

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

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

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

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

31  
32 **PART IV. NEIT/FIT.**

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

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

39  
40 **PART V. ALLOWING MEMBERS OF THE ARMED FORCES TO TERMINATE**  
41 **RENTAL AGREEMENTS EARLY WHEN BEING DEPLOYED.**

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

43 "(a) Any member of the United States Armed Forces who (i) is required to move  
44 pursuant to permanent change of station orders to depart 50 miles or more from the

1 location of the dwelling unit, ~~or~~ (ii) is prematurely or involuntarily discharged or  
2 released from active duty with the United States Armed Forces, or (iii) is required to  
3 move due to deployment may terminate his rental agreement for a dwelling unit by  
4 providing the landlord with a written notice of termination to be effective on a date  
5 stated in the notice that is at least 30 days after the landlord's receipt of the notice. The  
6 notice to the landlord must be accompanied by either a copy of the official military  
7 orders or a written verification signed by the member's commanding officer."  
8

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

11 **SECTION 6.** The Department of Public Instruction shall appoint an  
12 employee to serve as its liaison to the military bases in North Carolina. It shall be the  
13 responsibility of the liaison to facilitate communication and cooperation between (i)  
14 military personnel and their families and the Department and (ii) military personnel and  
15 their families and the North Carolina public schools.  
16

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

23 **SECTION 7.** The State Board of Education shall review and revise the  
24 policies and practices related to students receiving credit for high school courses to  
25 ensure that all students, especially the highly mobile children of members of the armed  
26 forces, receive credit in the North Carolina public schools for comparable courses taken  
27 out-of-State. The State Board shall report the results of this review and any actions  
28 taken as a result of the study to modify its policies and practices to the Joint Legislative  
29 Education Oversight Committee prior to December 15, 2005.  
30

31 PART VIII. ALLOWING IN-STATE TUITION AT STATE UNIVERSITIES AND  
32 COMMUNITY COLLEGES FOR ARMED SERVICES PERSONNEL AND THEIR  
33 DEPENDENTS.

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

35 "**§ 116-143.3. Tuition of ~~active duty personnel in the armed services.~~armed**  
36 **services personnel and their dependents.**

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

38 (1) The term "abode" shall mean the place where a person actually lives,  
39 whether temporarily or permanently; the term "abide" shall mean to  
40 live in a given place.

41 (2) The term "armed services" shall mean the United States Air Force,  
42 Army, Coast Guard, Marine Corps, and Navy; the North Carolina  
43 National Guard; and any Reserve Component of the foregoing.

1 (3) The term "tuition assistance" shall be used as defined in the United  
2 States Department of Defense Directive 1322.8, implementing 10  
3 U.S.C. § 2007.

4 (b) Any active duty member of the armed services qualifying for admission to an  
5 institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a  
6 resident for tuition purposes under G.S. 116-143.1 shall be charged the in-State tuition  
7 rate and applicable mandatory fees for enrollments while the member of the armed  
8 services is abiding in this State incident to active military duty in this State. In the event  
9 the active duty member of the armed services is reassigned outside of North ~~Carolina,~~  
10 Carolina or retires, the member shall continue to be eligible for the in-State tuition rate  
11 and applicable mandatory fees so long as the member is continuously enrolled in the  
12 degree or other program in which the member was enrolled at the time the member is  
13 reassigned.

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

15 (c) Any dependent relative of a member of the armed services who is abiding in  
16 this State incident to active military duty, as defined by the Board of Governors of The  
17 University of North Carolina and by the State Board of Community Colleges while  
18 sharing the abode of that member shall be eligible to be charged the in-State tuition rate,  
19 if the dependent relative qualifies for admission to an institution of higher education as  
20 defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the  
21 requirements of the Selective Service System, if applicable, in order to be accorded this  
22 benefit. In the event the member of the armed services is reassigned outside of North  
23 ~~Carolina,~~ Carolina or retires, the dependent relative shall continue to be eligible for the  
24 in-State tuition rate and applicable mandatory fees so long as the dependent relative is  
25 continuously enrolled in the degree or other program in which the dependent relative  
26 was enrolled at the time the member is reassigned.

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

30 (e) A person charged less than the out-of-state tuition rate solely by reason of this  
31 section shall not, during the period of receiving that benefit, qualify for or be the basis  
32 of conferring the benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or (l)."  
33

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

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

40 "(1) Admission of Students. – The School shall admit students in  
41 accordance with criteria, standards, and procedures established by the  
42 Board of Trustees. To be eligible to be considered for admission, an  
43 applicant must be either a legal resident of the State, as defined by  
44 ~~G.S. 116-143.1(a)(1);~~ G.S. 116-143.1(a)(1), or a student whose parent

1 is an active duty member of the armed services, as defined by  
2 G.S. 116-143.3(2), who is abiding in this State incident to active  
3 military duty at the time the application is submitted, provided the  
4 student shares the abode of that parent; eligibility to remain enrolled in  
5 the School shall terminate at the end of any school year during which a  
6 student becomes a nonresident of the State. The Board of Trustees  
7 shall ensure, insofar as possible without jeopardizing admission  
8 standards, that an equal number of qualified rising high school juniors  
9 is admitted to the program and to the residential summer institutes in  
10 science and mathematics from each of North Carolina's congressional  
11 districts. In no event shall the differences in the number of rising high  
12 school juniors offered admission to the program from each of North  
13 Carolina's congressional districts be more than two and one-half  
14 percentage points from the average number per district who are offered  
15 admission."

16 **SECTION 9.2.** This part is effective when it becomes law and applies to the  
17 2005-2006 academic year and each subsequent academic year.

18  
19 **PART X. EFFECTIVE DATE.**

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