

**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
Appropriations/Base Budget Committee Substitute Adopted 7/27/05
House Committee Substitute Favorable 8/29/05**

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

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

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

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

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

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

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

1 Whereas, North Carolina ranks high in the United States with 4.5% of the
2 total military payroll, and defense spending in the 2002 federal fiscal year in North
3 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 North Carolina
23 National 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 North
33 Carolina Legislative Tuition Grants if student called to active duty).

34
35 PART IA. MILITARY MORALE, RECREATION AND WELFARE FUNDS,
36 CONSERVATION GRANT FUNDS.

37 SECTION 1A.1.(a) There is appropriated from the General Fund to a
38 Reserve for the Military Morale, Recreation, and Welfare Fund in the Office of State
39 Budget and Management for the 2006-2007 fiscal year the sum of one million dollars
40 (\$1,000,000).

41 SECTION 1A.1.(b) The Office of State Budget and Management shall
42 distribute for the purposes described in this section the amount appropriated by
43 subsection (a) of this section. That amount shall be distributed to each military
44 installation on a per capita basis.

1 **SECTION 1A.1.(c)** Funds distributed to a military installation exchange
2 under this section must be deposited in the Military Morale, Recreation, and Welfare
3 Fund for that installation and used only for community services and other expenditures
4 to improve quality of life programs for military members and their families in North
5 Carolina.

6 **SECTION 1A.2.** There is appropriated from the General Fund to the
7 Conservation Grant Fund established under G.S. 113A-232 for the 2006-2007 fiscal
8 year the sum of one million dollars (\$1,000,000). Funds distributed to the Conservation
9 Grant Fund under this section must be used for compatible land use and conservation
10 easement type acquisitions of land adjacent to military bases and flyways.

11 **SECTION 1A.3.** This part becomes effective July 1, 2006.

12
13 PART II. ENCOURAGE CERTAIN OCCUPATIONAL LICENSING BOARDS TO
14 DEVELOP POLICIES FOR EXPEDITING THE LICENSING PROCESS FOR
15 MILITARY SPOUSES.

16 **SECTION 2.1.** Findings. – The General Assembly finds that:

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

25 **SECTION 2.2.(a)** In an effort to support military personnel and their
26 families, each occupational licensing board in this State is encouraged to develop
27 policies that would make the licensing process for military spouses more efficient and
28 expedient. In expediting the licensing process, an occupational licensing board shall
29 review its current licensing process especially as it relates to military personnel. After
30 reviewing the licensing process, the licensing board may develop and implement
31 policies regarding licensure that provide for assistance to military spouses and
32 dependents to ensure a smooth process when military families move into this State or
33 are transferred out of this State. Implementation of these policies shall not apply to
34 occupational licensing boards regulating health care professionals.

35 **SECTION 2.2.(b)** This section does not apply to health professions or to
36 teaching.

37
38 PART III. NEIT/FIT.

39 **SECTION 3.** G.S. 115D-5.1 is amended by adding a new subsection to read:

40 "(b1) Notwithstanding any other provision of law, the State Board of Community
41 Colleges may adopt rules and guidelines that allow the New and Expanding Industry
42 Training Program and the Focused Industrial Training Program to use funds
43 appropriated for those programs to support training projects for the various branches of
44 the United States Armed Forces."

1
2 PART IV. ALLOWING MEMBERS OF THE ARMED FORCES TO TERMINATE
3 RENTAL AGREEMENTS EARLY WHEN BEING DEPLOYED.

4 SECTION 4.1. G.S. 42-45 reads as rewritten:

5 "§ 42-45. Early termination of rental agreement by military personnel.

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

15 (a1) Any member of the United States Armed Forces who is deployed with a
16 military unit for a period of not less than 90 days may terminate his rental agreement for
17 a dwelling unit by providing the landlord with a written notice of termination. The
18 notice to the landlord must be accompanied by either a copy of the official military
19 orders or a written verification signed by the member's commanding officer.
20 Termination of a lease pursuant to this subsection is effective 30 days after the first date
21 on which the next rental payment is due or 45 days after the landlord's receipt of the
22 notice, whichever is shorter, and payable after the date on which the notice of
23 termination is delivered.

24 (a2) Upon termination of a rental agreement under this section, the tenant is liable
25 for the rent due under the rental agreement prorated to the effective date of the
26 termination payable at such time as would have otherwise been required by the terms of
27 the rental agreement. The tenant is not liable for any other rent or damages due to the
28 early termination of the tenancy except the liquidated damages provided in subsection
29 (b) of this section. If a member terminates the rental agreement pursuant to this section
30 14 or more days prior to occupancy, no damages or penalties of any kind shall be due.

31 (b) In consideration of early termination of the rental agreement, the tenant is
32 liable to the landlord for liquidated damages provided the tenant has completed less than
33 nine months of the tenancy and the landlord has suffered actual damages due to loss of
34 the tenancy. The liquidated damages shall be in an amount no greater than one month's
35 rent if the tenant has completed less than six months of the tenancy as of the effective
36 date of termination, or one-half of one month's rent if the tenant has completed at least
37 six but less than nine months of the tenancy as of the effective date of termination.

38 (c) The provisions of this section may not be waived or modified by the
39 agreement of the parties under any circumstances. Nothing in this section shall affect
40 the rights established by G.S. 42-3."

41 SECTION 4.2. Section 4.1 of this act applies to rental agreements entered
42 into or renewed on or after the date this act becomes law.
43

1 PART V. DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO
2 STUDY THE FEASIBILITY OF A LIAISON TO THE MILITARY BASES IN
3 NORTH CAROLINA.

4 **SECTION 5.** The Department of Public Instruction shall study the feasibility
5 of designating an employee to serve as its liaison to the military bases in North Carolina
6 and report to the 2006 Regular Session of the 2005 General Assembly. It shall be the
7 responsibility of the liaison to facilitate communication and cooperation between (i)
8 military personnel and their families and the Department and (ii) military personnel and
9 their families and the North Carolina public schools.

10
11 PART VI. DIRECTING THE STATE BOARD OF EDUCATION AND THE BOARD
12 OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REVIEW
13 AND REVISE THE POLICIES AND PROCEDURES REGARDING CREDIT FOR
14 HIGH SCHOOL COURSES TO ENSURE THAT ALL STUDENTS, ESPECIALLY
15 THE CHILDREN OF MILITARY PERSONNEL, RECEIVE CREDIT FOR
16 COURSES TAKEN OUT-OF-STATE.

17 **SECTION 6.** The State Board of Education shall review and revise the
18 policies and practices related to students receiving credit for high school courses to
19 ensure that all students, especially the highly mobile children of members of the armed
20 forces, receive credit in the North Carolina public schools for comparable courses taken
21 out-of-State. The State Board shall report the results of this review and any actions
22 taken as a result of the study to modify its policies and practices to the Joint Legislative
23 Education Oversight Committee prior to December 15, 2005.

24
25 PART VII. ALLOWING IN-STATE TUITION AT STATE UNIVERSITIES AND
26 COMMUNITY COLLEGES FOR RETIRED ARMED SERVICES PERSONNEL
27 AND THEIR DEPENDENTS.

28 **SECTION 7.** G.S. 116-143.3 reads as rewritten:

29 **"§ 116-143.3. Tuition of ~~active duty personnel in the armed services.~~armed**
30 **services personnel and their dependents.**

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

- 32 (1) The term "abode" shall mean the place where a person actually lives,
33 whether temporarily or permanently; the term "abide" shall mean to
34 live in a given place.
- 35 (2) The term "armed services" shall mean the United States Air Force,
36 Army, Coast Guard, Marine Corps, and Navy; the North Carolina
37 National Guard; and any Reserve Component of the foregoing.
- 38 (3) The term "tuition assistance" shall be used as defined in the United
39 States Department of Defense Directive 1322.8, implementing 10
40 U.S.C. § 2007.

41 (b) Any active duty member of the armed services qualifying for admission to an
42 institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a
43 resident for tuition purposes under G.S. 116-143.1 shall be charged the in-State tuition
44 rate and applicable mandatory fees for enrollments while the member of the armed

1 services is abiding in this State incident to active military duty in this State. In the event
2 the active duty member of the armed services is reassigned outside of North Carolina,
3 Carolina or retires, the member shall continue to be eligible for the in-State tuition rate
4 and applicable mandatory fees so long as the member is continuously enrolled in the
5 degree or other program in which the member was enrolled at the time the member is
6 reassigned.

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

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

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

23 (e) A person charged less than the out-of-state tuition rate solely by reason of this
24 section shall not, during the period of receiving that benefit, qualify for or be the basis
25 of conferring the benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or (l)."
26

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

32 **SECTION 8.1.** G.S. 116-235(b)(1) reads as rewritten:

33 "(1) Admission of Students. – The School shall admit students in
34 accordance with criteria, standards, and procedures established by the
35 Board of Trustees. To be eligible to be considered for admission, an
36 applicant must be either a legal resident of the State, as defined by
37 ~~G.S. 116-143.1(a)(1);~~ G.S. 116-143.1(a)(1), or a student whose parent
38 is an active duty member of the armed services, as defined by
39 G.S. 116-143.3(2), who is abiding in this State incident to active
40 military duty at the time the application is submitted, provided the
41 student shares the abode of that parent; eligibility to remain enrolled in
42 the School shall terminate at the end of any school year during which a
43 student becomes a nonresident of the State. The Board of Trustees
44 shall ensure, insofar as possible without jeopardizing admission

1 standards, that an equal number of qualified rising high school juniors
2 is admitted to the program and to the residential summer institutes in
3 science and mathematics from each of North Carolina's congressional
4 districts. In no event shall the differences in the number of rising high
5 school juniors offered admission to the program from each of North
6 Carolina's congressional districts be more than two and one-half
7 percentage points from the average number per district who are offered
8 admission."

9 **SECTION 8.2.** This part is effective when it becomes law and applies to the
10 2005-2006 academic year and each subsequent academic year.

11 **PART IX. EFFECTIVE DATE.**

12 **SECTION 9.** Except as provided otherwise, this act is effective when it
13 becomes law.
14