



## **NORTH CAROLINA MILITARY AFFAIRS COMMISSION**

### **Minutes of the 3<sup>rd</sup> Quarter Legislative Affairs July 19, 2019** **Legislative Office Building (LOB), 300 N. Salisbury, Raleigh, NC**

#### **MEMBERS PRESENT:**

Sally-Ann Gupta AR for Sen Harry Brown  
Rep George Cleveland  
ET Mitchell (by-phone)

#### **ADDITIONAL ATTENDEES:**

Cory Bryson, Policy Advisor, Speaker Moore  
Angella Dunston, DMVA  
Kelly Jackson, DMVA

#### **MEMBERS ABSENT:**

Hon Chuck Allen  
Paul Friday

#### **CALL TO ORDER, WELCOME REMARKS:**

Ms. Sally-Ann Gupta chaired today's meeting on behalf of Senator Brown. Sally-Ann Gupta called the meeting to order at 10:34 am. She conducted a roll call of attendees and there was not a quorum. She recommended that the Legislative Affairs 2<sup>nd</sup> Quarter minutes be approved at the NC Military Affairs Commission meeting schedule for August 20.

#### **NEW LEGISLATION:**

Sally-Ann Gupta updated the committee on House and Senate bills. Sally-Ann Gupta gave the committee an explanation of what crossover means. Crossover is a date that is established by the General Assembly where in a bill, whether it originated on the House or Senate side needs to be passed from its respective Chamber by the crossover date. The crossover date this year was May 9, 2019. If it passes out of its Chamber by the crossover date to the other Chamber, the House or the Senate, then that bill is still considered in play for terms of passage during either this session or the short session which will happen next year. We are in the long session and the short session will be happen next spring. If the bill made crossover, it is still possible that it could be passed now or in the short session. If it did not make crossover then it will not be passed during this session and is not eligible to be considered for passage next year during the short session. That concerns bills that are related to bills of policy. If a bill has a specific appropriation attached to it, a specific money amount that is being requested or considered, then that bill is still eligible and in play for the short session next year. Bills that are strictly a matter of policy and did not make crossover, then that bill is effectively dead for this session and is not eligible for review in the short session next year. You would have to wait until the next long session in 2021 to try to revive the purpose of that bill in new legislation.

**House Bills/Resolutions:**

**House Bill 50: Update: HB 50 did make crossover and enrolled. It was on the Senate calendar for July 16, 2019 and passed upon the 3<sup>rd</sup> reading. It was ordered enrolled which means it will be sent to the Governor for signature.**

Short Title: Allow Hyperbaric Oxygen Therapy for TBI/PTSD

Primary Sponsors: Representatives Murphy, Grange, Martin, and Speciale

This bill amends existing law to prohibit any person other than an authorized medical professional from prescribing hyperbaric oxygen therapy treatment to a veteran for the treatment of TBI or PTSD.

**House Bill 64: Update: HB 64 didn't make crossover.**

Short Title: Blue/Gold Star Mothers' Appreciation Day

Primary Sponsors: Representatives Horn, Cleveland, Grange, and Potts

This bill designates the last Monday in September of every year as Blue and Gold Star Mother's Appreciation Day. Where a Blue Star Mother has a child, who is currently serving in the military or has served in the past. The Gold Star Mother has a son, daughter, spouse, father or mother that has been killed during any war or conflict, died from sustained injuries or committed suicide while on active duty.

**House Bill 113: Update: HB 113 didn't make crossover but the requirement for this bill is in the budget but without funding.**

Short Title: MCAC and TAC/Funds

Primary Sponsors: Representatives Insko, R. Smith, Grange, and Fraley

An act to appropriate funds to support the Transfer Advisory Committee (TAC) and the Military Credit Advisory Council (MCAC) and their work to streamline credit transfer across constituent institutions and to grant veterans credit for their military experience. This is something we have talked about on the NCMAC before. We have talked about the Community Colleges having difficulty processing transfer credits in a timely fashion for people who are separating from the military and want credits for prior military training. This seems to be bogged down in their committees and the retreats that they have. They have had trouble getting this process for these folks in a timely way. What this bill calls to do is to grant them the sum of, the Boards of Governors of the University of North Carolina the sum of \$150,000 in recurring funds and \$300,000 in non-recurring funds to support the work of the TAC and MCAC.

**House Bill 133: Update: HB 133 didn't make crossover.**

Short Title: Veterans/Health Care/Pilot Program

Primary Sponsors: Representatives Szoka, Dodson, Grange, and Pierce

This directs the Department of Health and Human Services (DHHS) and the Department of Military and Veterans Affairs (DMVA) to development and implement a 2-year pilot program in Cumberland County to provide health care services to veterans. It provides for the pilot program to consist of both a health care initiative and work force initiative. The pilot program will terminate if this bill passes on June 30, 2021. It directs the Department of Health and Human Services to conduct and submit a comprehensive evaluation of the pilot program to the Joint Legislative Oversight Committee on Health and Human Services by February 1, 2021. It appropriates \$400,000 in non-recurring funds for 2019-2020, and \$350,000 in non-recurring funds from 2020-2021 to DHHS to support the development and implementation of this pilot program.

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**House Bill 274: Update: HB 274 passed the first reading in the Senate on 5/6 referred to the Senate Rules Committee.**

Short Title: Child Abuse & Neglect/Military Affiliation

Primary Sponsors: Representatives Grange, Potts, and White

This bill would amend existing statutory law to require the Director of the Department of Social Services to include information concerning the military affiliation of the parent, guardian, custodian or caretaker of an alleged abused or neglected juvenile in the investigation following the report of abuse, neglect or dependency. It would further direct the Department of Social Services to disclose what would otherwise be confidential information to the appropriate military authority to protect that juvenile from abuse or neglect if they determine that a parent, guardian, custodian or caretaker of that abused juvenile has a military affiliation. I believe that we saw this bill in the last session. I think it is coming up again.

**House Bill 498: Update: HB 498 didn't make crossover**

Short Title: NC Constitutional Carry Act

Primary Sponsors: Representatives Kidwell, Speciale, and Hanig

This a dense bill with a lot of language in it. The section that I thought was germane to the NCMA was that it would apparently amend existing law to eliminate the prohibition that allows a military concealed handgun permittee to carry a concealed handgun during the 90 days following the end of deployment when that permittee's permit had expired during deployment.

**House Bill 511: Update: HB 511 is currently NC First Step Act and is now unrelated legislation and not National Guard legislation.**

Short Title: NC National Guard/Courts-Martial

Primary Sponsors: Representative Grange, Szoka, and Goodwin

Companion Bill: Senate Bill 417 (Senators Daniel, Britt, and D. Davis) **Update: SB 417 referred to Senate Rules on 4/16/Dead.**

This modifies existing law and amends the statute on Courts-Martials for the NC National Guard. It is identical or a companion bill to Senate Bill 417. It makes several changes to the laws on Courts-Martial for the NC National Guard. This is something that the National Guard sought. It adds the qualifications for State's trial counsel and defense trial counsel and clarifies membership in the NC State Bar is not required for Military Judges, State's trial counsel and defense counsel. It clarifies the requirements for subject matter jurisdiction and personal jurisdiction in Courts Martial. It clarifies the power of military judges and summary court officers and provides for subpoena power of the State's trial counsel and defense counsel. It clarifies when a sentence to fine or imprison is imposed by a Courts-Martial in this State the military judge, State's trial counsel, Clerk of Superior Court of Wake County must take certain steps. It removes the requirement that sentences imposed by a special or general Courts-Martial must be approved by the Governor.

**House Bill 523: Update: HB 523 didn't make crossover.**

Short Title: NC Servicemembers Civil Relief Act

Primary Sponsors: Representative Grange, Szoka, and Goodwin

Companion Bill: Senate Bill 420: **Update: SB 420 sent to the Governor.**

This enacts a new Article 4 in existing law of the NC Servicemembers Civil Relief Act. It states that the purpose of this Article is to incorporate into State law the rights benefits and protections of the Federal

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Servicemembers Civil Relief Act and to extent those rights, benefits and protections to members of the NC National Guard serving on State Active Duty and to members of the National Guard of other States, serving on State Active Duty who reside in North Carolina. I think this also arose last session and did not make it through committee, but they are trying again.

### **House Resolution 550: Update: House Resolution 550 was adopted unanimously on May 2, 2019.**

Title: A House Resolution urging Congress to ensure full implementation of the VA Mission Act of 2018.

Primary Sponsors: Representatives Grange, Potts, and Szoka

This is a federal act that was passed and sponsored with large bipartisan support and signed into law June 6, 2018. This is just urging the full implementation of that federal act to benefit North Carolina.

### **House Bill 650: Update: HB 650 didn't make crossover.**

Short Title: Military Retirement Income Tax Relief

Primary Sponsors: Representatives Szoka and Grange

This bill would hold that under current statutory law in calculating NC taxable income, a taxpayer may deduct from the adjusted gross income, the itemized deductions that are set out adding a new subdivision establishing a deduction for the amount received during the taxable year from the US Government as retirement pay for a retired member of the US Armed Forces or as survivorship benefits of survivors of active duty or retired members of the US Armed Forces.

### **House Bill 696: Update: HB 696 didn't make crossover.**

Short Title: NC Families First Act

Primary Sponsors: Representatives Meyer, Batch, Clark, and Majeed

This bill would make family and medical leave insurance benefits Family Medical Leave Act (FMLA) paying to a covered individual who meets one of the following. The traditional categories: Caring for a new child during the first year after birth or adoption or placement of the child. Caring for a family member with a serious health condition. What it adds are FMLA benefits because of any (qualifying exigency leave) arise out of the fact that the family member of the covered individual is on active duty or has been notified of an impending call or order to active duty in the Armed Forces. Duration of these benefits can range from 12-26 weeks.

### **House Bill 804: Update: HB 604 didn't make crossover.**

Short Title: Vet. Posttraumatic Stress/Mitigating Factor

Primary Sponsors: Representatives Grange, Zachary, Szoka, and Hardister

It amends existing law concerning aggravated and mitigated sentences, enacting a new subdivision which provides that it is a mitigating factor that the defendant has been diagnosed with PTSD because of his or her military service in one or more combat zones and is undergoing treatment of that condition. It sets out and defines PTSD for use in this section and does require documentary evidence be submitted to the court to verify military service and of PTSD diagnosis.

### **House Bill 896: Update: HB 896 didn't make crossover.**

Short Title: In-State Tuition/Military Spouses

Primary Sponsors: Representatives Grange, Martin, and Szoka

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This bill is an act to provide that the spouse of a member of the armed forces shall be eligible to be charged In-State Tuition when they are abiding with member with incident to active duty military and continue to be eligible for that In-State Tuition rate if their continuously enrolled in that Institution of higher education including when that member is reassigned or retires.

ET Mitchell asked how this is different from the current rules? Sally-Ann Gupta said that she would have to get back to one of the bill sponsors and would get back to ET Michell with that information.

**House Bill 902: Update: HB 902 was referred to the Senate Rules Committee 5/6 after passing the first reading and did make crossover.**

Short Title: Military-Trained Spouse Licensure Practices

Primary Sponsors: Representatives Grange, and Bell

This is an act providing that the Program Evaluation Division (PED) which is a part of the General Assembly (GA) shall study ways in which to improve the ability of military trained applicants and military trained spouses to become licensed by occupational licensing boards in this state.

**House Bill 954: Update: HB 954 as of 6/20 was withdrawn from the House Committee and placed on the unfavorable calendar.**

Short Title: Qualified Disabled Veteran/10% Preference

Primary Sponsors: Jarvis, Horn, and Potts

This is an act providing that qualified disabled veteran businesses should be given a 10% preference when bidding on state construction or repair contracts. And to appropriate funds to implement the preference.

### Senate Bills:

**Senate Bill 188: Update: SB 188 didn't make crossover.**

Short Title: Military State Income Tax Relief

Primary Sponsors: Senate Burgin

This bill would provide for 2 new deductions for the tax payers adjusted gross income tax. First for the amount received from the US Government as retirement pay for a retired armed forces member or as survivorship benefits for survivors of retired active duty or armed forces members. Second for amounts received as military pay by an active service member of the armed forces for any period the service member is not present in the state so long as that member is a state resident and not present in the state solely in compliance for military reassignment orders. It clarifies that the amount deducted for armed forces retirement pay or survivorship benefits can't also be deducted under the existing deduction for amounts received during the taxable year from one or more state, local or federal governments.

**Senate Bill 219: Update: SB 219 was signed into law on July 1, 2019.**

Short Title: Modify Teacher Licensing Requirements

Primary Sponsors: Senators McInnis, Tillman, and Johnson

This bill would replace existing law statutory language on out of state applicants requiring that any out of state applicant with a full license with good standing be issued a continuing professional license by the state board immediately upon the applicant meeting any administrative requirements established

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by the state board. It would also provide that a military spouse holding a current teaching license in another jurisdiction, that this language applies to them regarding issuing teacher licenses.

**Senate Bill 230: Update: SB 409 was referred to the House Rules Committee 6/25 and did make crossover.**

Short Title: Excused Absences from Military Children

Primary Sponsors: D. Davis, Brown, and Ballard

This bill allows for excused absences for school under the following conditions. The student's parent or legal guardian being an active duty member of the uniformed services as defined in the Interstate Compact on Educational Opportunity for Military Children. It requires that the parent or legal guardian has been called to duty for or is on leave from, or immediately returned from deployment from a combat zone or combat support posting. The student not be identified as at risk of academic failure because of unexcused absences. It allows for the authorization of a minimum of 2 excused absences for those meeting the requirements related to military leave.

**Senate Bill 231: Update: SB 231 was referred to the House Rules Committee 6/26 and did make crossover.**

Short Title: Study Military Economic Zones

Primary Sponsors: D. Davis, Brown, and Perry

This would require the Department of Military and Veterans Affairs (DMVA) in collaboration with the Department of Commerce (DOC) to conduct a study on the creation of military economic zones around communities that host our military installations and Department of Veterans Affairs (VA) hospitals that are located more than 150 miles from an installation. It calls for a report with findings and recommendations to be due to the Joint Legislative Oversight Committee on General Government and the Fiscal Research Division on or before January 1, 2020. Additionally, it requires a study to consider the following issues. Whether creating economic zones in and around communities that host and support NC military installations and the VA hospitals that are more than 150 miles from an installation if that is feasible. Methods of incorporating existing economic development programs into perspective economic zones. Opportunity to leverage the unique and valuable characteristics of the regions of the communities that support the military installations. Creation of synergy between the various departments of commerce entities that specialize in economic development and the NC Military Affairs Commission. Criteria used for previous future Base Realignment and Closure (BRAC) processes and the extent to which economic development initiatives can bolster efficiencies and effectiveness of the military installations in advance of BRAC recommendations. Also, best practices in other states for economic development for communities hosting military installations.

**Senate Bill 232: Update: SB 232 was referred to the House Rules Committee 4/18 and did make crossover.**

Short Title: Tracing Outcomes of Veterans Programs

Primary Sponsors: D. Davis, Brown, and B. Jackson

This bill would require that the administrators of several specified programs to determine the number of veterans, service members and their families that are served and track the services, benefits and discounts provided to them. Track the outcomes for veterans, service members and their families in accordance with outcome measures established by the Department of Military and Veteran Affairs

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(DMVA). Some of those programs that it calls on to track these services, benefits, discounts and outcomes would be the Veteran Scholarship program, National Guard Pension fund, NC Central School of Law, and UNC Chapel Hill Veterans Law Clinics and Substance Abuse services for the NC National Guard. It requires the DMVA to annually report the information that it receives from the program administrators of those programs beginning December 1, 2020 to the specified General Assembly committee.

### **Senate Bill 293: Update: SB 293 didn't make crossover.**

Short Title: Military Dependents/Need-Based Private School

Primary Sponsors: D. Davis, Tillman, and Brown

This bill amends existing law expanding the eligibility requirements for need base scholarships for students attending private institutions of higher education to now include students meeting the existing qualifications that a dependent relative of a veteran who is abiding in the state while sharing abode with the veteran and provide that the eligible post-secondary institution receive a letter of intent of the dependent relative to establish NC residency or dependent relative of an active duty member of the Armed Forces who is abiding in the state incident to active duty military while sharing an abode with the active duty servicemember. As it was explained to me by Senator Davis, in NC there is already a stream of funding that allows veterans to attend private colleges and universities in this state. What this would do is expand that as a matter of law to dependent relatives of that veteran who are abiding in the state, with that veteran and share a home to also access that stream of funding.

### **Senate Bill 342: Update: SB 342, there is an appropriation for this in the appropriations bill. This is in limbo with the Governor's veto of the budget.**

Short Title: NC Military Business Center Funds

Primary Sponsors: D. Davis, Burgin, and Edwards

This is a topic that we all know about as members of the NCMAC as we have heard from Scott Dorney on this topic. This would appropriate from the General Fund to the Community College System office where the NC Military Business Center (NCMBC) resides \$1 million for the 2019-2020 fiscal year. Also, \$1 million for the 2020-2021 fiscal year. Additional funds to support the operations of the NCMBC. It also provides that the funds allocated to the center can't be reduced in order to meet any portion of a management flexibility reduction.

### **Senate Bill 377: Update: SB 377 was referred to the House Rules Committee 6/25. This bill will likely die in the House per Senator Brown.**

Short Title: Military Base Protection Act

Primary Sponsors: Senators Brown, Newton, and Sanderson

This bill would apply to permitting of wind energy facilities. This would require the Department of Commerce (DOC) and the Department of Environment Quality (DEQ) to make the vertical obstruction impact in NC military mission map used to determine impacts available on their websites. It applies to applications for permits for proposed wind energy facilities or a proposed expansion pending or submitted on or after the date the law becomes effective.

**Senate Bill 409: Update: SB 409 was referred to the House Rules Committee 7/10 and did make crossover.**

Short Title: Study NC Veterans Registry

Primary Sponsors: D. Davis, Sanderson, and Burgin

This bill would direct the Department of Military and Veterans Affairs (DMVA) to study the issue of creating a NC Veterans registry with the purpose of giving veterans and their families improved access to information regarding state benefits programs and services. It would provide upon registering a veteran or veteran family member will receive access to information about available benefits, programs and services. This place the responsibility of creating this registry with the Department of Information Technology but allows for consultation with the DMVA and the NC General Assembly Program Evaluation Division.

**Senate Bill 448: Update: SB 448 was signed into law on June 21, 2019.**

Short Title: Amend App For Compact on Education/Military

Primary Sponsors: Senator Brown

Companion Bill: House Bill 340 (Representatives Martin, Cleveland, and Bell)

This bill also came out of the NCMAC and amends existing law to no longer require that the Governor's appointee as Compact Commissioner or the Interstate Compact on Educational Opportunity for Military Children be a licensed NC attorney. This would eliminate the attorney requirement but retains the requirement that the appointee represents at least one local board of education with a high concentration of military children.

**Senate Bill 455: Update: SB 455 didn't make crossover.**

Short Title: Equality for All

Primary Sponsors: Senators Waddell, Searcy, and Woodard

Companion Bill: House Bill 514 (Representatives Harrison, Fisher, Butler, and Alexander)

This bill amends current existing law on unlawful discriminatory housing practices to refer to the protected status of another person as the basis for unlawful discrimination. It adds protective status to not only the current classes of people which would include race, color, religion, national origin, handicapping condition or familial status. It adds someone's military or veteran status to the list of expanded statuses of individuals that are protected from unlawful discriminatory housing processes. It extends that across a panoply of issues. It extends that protection status (military or veteran status) to hold that as a public policy of our state to protect in an employment context, public accommodation context, a credit context, insurance, education and so forth. So, it is just adding military and veteran status to the list of protected statuses that we have under law in our state.

**Senate Bill 458: Update: SB 458 was referred to the House Rules Committee 6/17 and did make crossover. On June 27, 2019 was recognized as Posttraumatic Stress Injury Day in a proclamation by the Governor and June 2019 was recognized as Posttraumatic Stress Injury month.**

Short Title: Establish Posttraumatic Stress injury Day

Primary Sponsors: Senators Brown, J. Jackson, and Burgin

That day would be annually on June 27 and designated as Posttraumatic Stress Injury Day in North Carolina.



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**Senate Bill 517: Update: SB 517 didn't make crossover.**

Short Title: Protect the Military/Fisheries/Tourism

Primary Sponsors: Senator Peterson

This was a very dense bill that I am not familiar with but it does seek an act to prohibit the exploration, development and production of off-shore of oil and gas in North Carolina Coastal waters in order to protect military operations, commercial and recreational fishing and tourism and the billions of dollars they contribute annually to the coastal economy, the state as a whole, the profound risks of off-shore oil and gas exploration, development and production.

**Senate Bill 672: Update: SB 672 didn't make crossover, but there are 3 positions (1 State level liaison, and 2 military school liaisons for Onslow and Cumberland Counties) in the budget.**

Short Title: Military Liaison Counselors/Funds

Primary Sponsors: Senators Burgin and Brown

This legislation came out of the NCMAC and the Quality of Life Committee. It would appropriate \$450,000 in recurring funds for 2019 from the General fund to the Department of Public Instruction (DPI) to provide at least 1 military counselor coordinator for Cumberland County Schools, Harnett County Schools and Onslow County Schools.

**DISCUSSION/QUESTIONS:**

Sally-Ann Gupta talked about the NC Military Affairs Commission's budget. The NC Military Affairs Commission's funding is non-recurring dollars. If the Governor does not sign the budget into law or a budget agreement, Then, funding for the NC Military Affairs Commission will run out of funding at some point since we are funded by non-recurring dollars. There is a law in North Carolina that if a budget agreement does not get signed then you go back to what every you had the last budget. State agencies will continue to run but anyone who is funded on non-recurring dollars, they will have an issue. With my conversation with Frank Bottorff, NC Military Affairs Commission Treasurer, Sally-Ann Gupta thinks that the NC Military Affairs Commission is ok through the next year. Sally-Ann Gupta said that Frank Bottorff will be able to answer questions about the budget at the NC Military Affairs Commission Full meeting. This is something that the NC Military Affairs Commission members should be aware of matter. No further discussion.

**ADJOURNMENT:**

Sally-Ann Gupta requested a motion to adjourn the meeting. ET Mitchell made a motion to adjourn the meeting and seconded by Representative George Cleveland. The meeting adjourned at 10:55 pm.