

Minutes of the April 19, 2017, NCMAC Legislative Affairs Committee Meeting
300-B LOB, Raleigh, NC 27603

ATTENDEES

Sen. Harry Brown, Committee Chair
Rep. George Cleveland, CMTE Member
ET Mitchell, CMTE Member
Hon. Chuck Allen, CMTE Member
Sally-Ann Gupta, LA to Sen. Brown
Jason Cain, DMVA Asst. Secretary for MA
Kelly Barretto, DMVA
Angella Dunston, DMVA
John Nicholson, DEQ
Jamie Norment, ACT
Leslie Young, ACT
Bo Heath, Friends of Seymour Johnson

At 10:04am Committee Chairman Senator Harry Brown opened the meeting, using Power Point slides that list pending bills on both sides of the Legislature, stating that a lot of bills have been introduced on both the Senate and House sides during this Long Session. They are being looked at for viability. Senator Brown feels many have a good chance of passing, while others will have a harder time passing. Rep. Cleveland was asked to assist Senator Brown with information regarding bills on the House side.

S8 – Ease Occ. Licensing Burdens on Military Families – this bill has passed the Senate and is now in the House. Representative Cleveland’s Committee has already heard the bill. The bill is moving quickly and Senator Brown believes this will be the first bill to pass.

S62-Veterans’ Affairs Commission/Strategic Plan **and S63** – Military Affairs Commission / Strategic Plan were introduced by Senator Don Davis. The bills discuss coming up with a strategic plan for the Veterans Affairs Commission and the Military Affairs Commission. Senator Brown is not sure either bill does a whole lot as he believes this is already being done, but just places emphasis on making sure there is a strategic plan in place for each.

S64 - Veterans History Awareness Month – This a “feel good” bill that will likely move quickly.

S130-Provide Funding to NCMBC – This bill will probably have to go to Appropriations, and will likely get tied up in the money side of things. We will see how it plays out, but not a lot of money being requested. Senator Brown thinks this bill will move as well. Per Asst. Sec. Cain, NC Military Business Center has asked the Department for funds and to support their efforts. AS Cain added he does not know if we are leaning too far forward with that, but NCMBC does good work for the State.

S403/H489 - Child Abuse / Neglect – Military Affiliation – This is more of a direction bill to the Department to take a closer look at these issues as they relate to the military. Senator Brown thinks this bill will also move quickly. Ms. Gupta added that one of the takeaways is that for a child with a military

affiliation, it directs Social Services to notify military abuser's commanding officer regarding what is occurring with the affected juvenile.

S366 – Responsible Wind Energy Implementation. Senator Sanderson is one of the primary sponsors.

Discussion: This bill is a companion to Representative Millis' bill. Representative Szoka is an avid supporter of wind and got the support of democrats. The Committee received a request for a retired Colonel to speak at the Committee meeting, and the Chair allowed him to speak with without vetting him; he spoke against the bill saying he ran the DoD clearinghouse, Rep. Cleveland stated. It was not disclosed that he was a lobbyist for Apex. This is being researched. Mr. Heath added the retired Colonel is not a registered lobbyist. It failed Rep. Cleveland's Committee, although he thinks the Senate version will be handled differently. Senator Brown's moratorium bill is scheduled to be heard, and he has always felt the long-term solution is to develop a map that says "it's okay to build here, you can't build here." Until you do that you'll be fighting this forever. In a meeting with Matrix we had this conversation a couple of weeks ago, and they can help us with that map and said they would be willing to do that. Ms. Gupta noted that one of the slides will cover Senator Brown's bill, specifically. Senator Brown reiterated that that [a map] is the only way to clear it up long term, and if not you will be fighting this issue forever. Representative Cleveland added a solution was taking away the subsidies. Senator Brown stated that sooner or later that would happen, too. Ms. Mitchell agreed, and added that the discussions are missing the critical piece, national security, and presented a hypothetical scenario: John Smith buys it, American citizen, a good guy, the tax credits run out and he sells it to Mr. Ching Pao who is a Chinese American with a business interest who buys it. It is now owned by a foreign national or someone with a foreign national connection and this is sitting on any transit route where airplanes are going over, this is a perfect spot for intelligence collection with a power source there which is always the big issue. Ms. Mitchell stated people are focusing on the possibility of losing the training ranges, the bases, capacities and functions, which is true, but we train like we fight. Perhaps if someone began to focus on this as a national security issue, put an intelligence collection there, particularly with ISIS, they will have advance notification of equipment, tactics, proficiency and military movements. Sen. Brown stated that this is not as critical to DoD as it is to us as a State; they have other options and do not have to be as vocal as we think they should be. The Department of Defense would not openly be anti-green. The national issue is different from the issue for the state.

S57- Purchase Pistol Permit/Retired Veteran ID – This bill makes it easier for a retired veteran to obtain a pistol permit with a military ID in lieu of a DD-214.

S129 – Track Outcomes of Veterans Programs – This is a reporting bill more than anything else.

S153 – Military State Income Tax Relief – Representative Cleveland has been working on this one for a while. Senator Rabin is working on it as well.

Discussion: The tough issue is no one can give you a number. Rep. Cleveland added that his bill covers all government employees, that the fiscal bill was \$7 million in the first year, and that this year it is \$24 million because "they can get better data on the retirees from North Carolina." Sen. Brown said this is a start for this bill, and many are looking at how to make this happen even if it does not happen this

session. Sen. Brown and Rep. Cleveland agreed that a bill exclusively for military retirees could invite lawsuits and kill the bill, or get into the courts.

S12 – Veterans Memorial/Funds – It looks like it is a certain amount for caretaking and memorials; unsure of sponsor(s).

Discussion: This is the appropriation side of things. Rep. Cleveland asked where the memorial is located. AS Cain answered that it is in the suburbs of Fort Bragg in Broadway, NC. Sen. Brown stated we must dig into this one.

S125 – Children of Wartime Veterans Modifications – Discusses changing the definition of “child” to the federal definition. This is Senator Davis’ bill.

Discussion: Ms. Mitchell feels the bill is appropriate although not well received by the Veterans Affairs Commission at their recent meeting because of the unknown additional cost. It is not a scholarship program that is widely known, and Ms. Mitchell suggested a press release announcing the application period. Mr. Cain added that the Department’s communications director could facilitate this, as well. He agrees that Veterans Affairs is concerned about the cost. Senator Brown does not think it is too much. The money is being used, but there is a churn thanks to Rep. Cleveland adding a requirement to be in good standing.

S131 – Regulatory Reform Act of 2016-2017 – this bill has passed and agreed upon between House and Senate last year.

Discussion: John Nicholson of Department of Environmental Quality stated he would like to be a member of NC Sentinel Landscape Committee. Senator Brown said that could be accomplished by technical correction bill.

S419 – Planning/Development Changes – this would require local planning and zoning boards to notify an installation commander of any development that could affect the installation. Unsure of whose bill this is.

H488 (S401) – Early Rental Termination by Military Members – folds NCNG into protections.

Discussion: Assistant Secretary Cain added that the National Guard emphasized during their legislative brief at the Reserve Component Commanders Council meeting that this is priority. For example, during a non-deployment but in responding to an emergency of 9 days or more these protections are needed.

H681 – Teacher Licensure/Military Spouses – provides for a 2-year temporary license for military spouses who have teacher licenses in other jurisdictions where their license requirements are not substantially equivalent or exceeding the NC requirements. The 2-year period allows the time to satisfy the state’s requirements.

H574 – Wind Energy / Consistency with Military – Sally-Ann noted that acting NCMAC Chair Pat Walker sent out an email about this bill. It is coming up today in the House Energy Committee.

Discussion: Senator Brown believes this dilutes the bill that already exists. Mr. Heath has seen an early draft and made additional comments to the draft disagreeing with the definitions as written. He cannot speak to the Department, but including the Department in the permitting process opens even more issues. We've got concerns about this bill. Sally-Ann Gupta added it does impose burdens on the Department she is unsure it can staff. Asst. Sec. Cain understands what they are doing in putting some onus on the Department as it will be talking to military installations, and if they have issues we would be speaking up but do not have the legal expertise to approve or deny. Suggestions were made about outside counsel on retainer to provide advice to the Department and provide a letter regarding impact. He introduced Angella Dunston as Legislative Liaison and Communications Director and stated the Secretary is not taking a position on this bill. Ms. Gupta pointed out the failure to act or address is consent. This is a concern, per Mr. Heath. This bill is juxtaposed to Senator Brown's wind bill.

H326 – Military College Plates/Reduce Applications – Reduces or eliminates the number of signatures needed to get a Service Academy license plate.

H484 (S405) – Servicemembers Civil Relief Act – This bill is to incorporate active duty NC National Guard members into the Civil Relief Act in existing law, allowing them to terminate internet, tv contracts, etc. without incurring penalties.

H483 – Vet. Posttraumatic Stress/Mitigating Factor – codifies the idea that PTSD shall be used as mitigating factor in sentencing those with a proper diagnosis who are convicted of a criminal offense.

H711 – Increase Hate Crime Punishment – This adds military or veteran status as a protected category when considering someone is guilty of a hate crime. Elevates from Class 1 misdemeanor to Class H felony.

H746 – NC Constitutional Carry Act – This bill took away a provision allowing a military member with a concealed permit to carry during 90 days following deployment when permit expired during employment. Ms. Gupta is unsure of the motivation for the bill, a question for the primary sponsor. Ms. Gupta can get bill sponsor information if requested.

H66 – Veterans Plates / Vehicle Weight Registration – this concerns heavy duty trucks needing a weight plate.

Discussion: As session was starting before Lacy Pate left, there were only a handful of license plates that still had a fee, per Asst. Sec. Cain. Sen. Brown feels DOT and DMV would be interested in this.

H487 – National Guard Reemployment Rights/Definitions – This bill requires an employer to reemploy a National Guard employee in to his/her prior position within 5 days of employees' release from state duty.

Discussion: Sen. Brown would think this will require further discussion, as it is difficult for employer to always return an employee into the same position they had when deployed. Burden of notice requirements can also be an issue for an injured soldier, per Ms. Mitchell.

S331 (H465) – Military Operations Protection Act of 2017 – This is Senator Brown’s moratorium bill. The moratorium is until we can get maps drawn. It goes out to December 31, 2020.

Discussion: Mr. Heath asked if there has been pushback for a shorter moratorium. Sen. Brown was told by Matrix that it was a reasonable time to come up with the maps. It was obvious that \$50k was not a lot of money, but Sen. Brown is hopeful they will get that information. It does not have to be Matrix, but Sen. Brown thought of them because of the amount of time they have spent on the maps they have and could build from. Mr. Heath mentioned that he’d received comments of concerns about property rights, and the length of 3 years. He understands that property rights issues are not the permitting issues at hand for the Committee. Asst. Sec. Cain added that when Matrix came, they pointed out that DoD had done a 2-year JLUS and that those findings and recommendations are due to be released that will delineate compatible land use using maps as well. The military does not want to be blamed for further restrictions and the possibility of backlash from the community. The state wants to lean forward and do more than DoD is willing to do. Commissioner Chuck Allen asked how committee members can support. Sen. Brown responded that is helpful – the military does not have lobbyists while wind lobbyists are plentiful making it a one-sided argument. Commissioner Allen suggested that the MAC, Jamie Norment and Bo Heath should have a conversation. Mr. Heath stated he planned on commenting today at the Committee meeting on behalf of Friends of Seymour Johnson with some objections and concerns, and plans to support bills of Senators Brown and Bell. Mr. Norment added that if the other bill goes forward, it makes the moratorium more important and we need a re-set to ensure this is being done correctly instead of coordinating well to come up with the best permitting process. Mr. Heath’s follow-on comments were inaudible. The moratorium and revisions are not mutually exclusive. Senator Brown is eager to get the cost of the maps. The Air Force JLUS results will also have a lot of that information. Sen. Brown commented that not all will like what the maps determine, but would have to learn to live with what is there. Senator Brown is disturbed by the land rights issue coming up as a reason to oppose the legislation, as zoning regulations already exist to protect property rights. Ms. Mitchell asked what the NCMAC can do to which Sen. Brown that some representation of the MAC at Committee when the bill comes up would be helpful. Per Commissioner Allen, the wind energy folks met with them in Goldsboro, likely to say that they met with them giving the impression Goldsboro approved what they were doing. Mr. Norment was told when they briefed Cherry Point that Goldsboro did not have objections or at the least were neutral, maybe even positive. However, Goldsboro sent a number of objections. Senator Brown added that the reviews were mixed on the visit to the ROTH site. Some representatives see it as a non-issue while others say it is an absolute issue at the same visit. Mr. Norment commented the Navy may have felt that they gave a good presentation, and when they saw that the Navy had been eliminated from notice, they thought they’d done too good a job. The Navy then expressed that they were in fact concerned about wind turbines when they reached out to ACT. They’re sending a mixed signal.

S430 (H537) – Governor’s Budget – the Governor had \$1 million for BRAC; I’ll try to get a couple million. Cherry Point lift fan is \$3 million. When asked if that is the right number, Mr. Norment replied that it is a workable number. We are hearing that because of our efforts at the Raleigh level, DoD is going to fund the first phase of the new construction. In order to do that, they need about \$2.9 million to do the hangar renovation to do the lift fan work that cannot be done during the first phase of the milcon. It is a

perfect match, although more is better – it's extremely important. Senator Brown thought that Section B, Childcare Issues, had been fixed a couple of years ago. Is that still an issue? Asst. Secretary Cain is not aware of the status. Commissioner Allen asked about subsection money used for student based financial aid. Asst. Sec. Cain explained that this going to that military grant program. Section C is a new requirement for the DMVA to establish a crisis hotline. Senator Brown asked for more information on this. AS Cain added that there is a call center at the Department that is funded by DHHS that is staffed with veterans' technicians available. The requirement that it be veterans staffing this needs to be explored further.

The Chair took questions. Mr. Norment asked about the wind turbine bill that is being sponsored by Representatives Grange and Szoka is coming up today, and Representative Cleveland said it would not be heard.

Senator Brown asked Representative Cleveland for his thoughts about how the moratorium is received by the House. Rep. Cleveland believes that bill will be heard this week. He talked to Representative Bell. He thinks many will go with the bill, although he is getting mixed signals.

Chairman Brown stated that was all he had. Mr. Norment shared a handout of ACT's 2017 Government Relations Report with attendees. Asst. Sec. Cain introduced the Department's new Installation Coordinator, LTC (Ret.) Willie Casey, just off active duty. He will work to have constant communications with the bases and an effort to get the Division up and running. He also introduced Angella Dunston, Communications Director for NCDMVA and Legislative Liaison. We now have a lawyer and others and look forward to hitting the ground running with your assistance. Commissioner Allen asked about a replacement in Col. Marm's seat on the NCMAC. They have a recommendation. Senator Brown will get it to Senator Burger. It will be fast-paced from now on. The deadlines have passed, but there is cross-over. Commissioner Allen offered any assistance needed.

Ms. Gupta is available to assist with questions.

With no further questions or comments, Chairman Brown adjourned the meeting at 10:58am.