

Minutes of the Wednesday, July 19, 2017, 3<sup>rd</sup> Quarter Meeting  
of the NCMAC Legislative Affairs Committee  
Raleigh, NC

**COMMITTEE MEMBERS IN ATTENDANCE**

Rear Adm. (Ret.) Steve Ratti, Commissioner (by phone)  
Rep. George Cleveland, Commissioner  
Sally-Ann Gupta, Authorized Representative for Committee Chair Sen. Harry Brown

**OTHERS IN ATTENDANCE**

Kelly Barretto, Military Affairs Admin Coord., DMVA  
Wille Casey, Installation Coord., DMVA  
Whitney Christensen, Ward and Smith for ACT  
Caroline Outten, Ward and Smith for ACT  
John Broome, A/R for Rep. John Bell

**WELCOME, CALL TO ORDER**

Ms. Sally-Ann Gupta chairs today's meeting on behalf of Senator Brown, and called the meeting to order at 11:02am.

Ms. Gupta invited all to introduce themselves.

**LEGISLATIVE UPDATE**

Ms. Gupta began the legislative update using a power point slide presentation. She will review what was proposed this session and what passed into law, what is residing in a Committee in the House or Senate.

Senate legislation filed in the 2017 long session included:

- **S8 – Ease Occ. Licensing Burdens on Military Families** – signed into law. Allows military members and their spouses with professional licenses from other states to continue to practice in North Carolina while awaiting licensure, here. Occupational licensing boards are required to issue a temporary practice permit, free of charge, while satisfying requirements for full licensure in NC.
- **S62 Veterans' Affairs Commission Strategic Plan and S63 Military Affairs Commission Strategic Plan** both signed into law. Requires each Commission to adopt/update Strategic Plan. 2016 NCMAC Strategic Plan must be reviewed and an annual report given to Joint Legislative Oversight CMTE on General Government by November 1, 2017. First update is due November 1, 2020.
- **S64 – Veterans' History Awareness Month** – signed into law. Amends current Statute making Veterans' Day a school holiday for public school students and staff, to additionally designate November as Veterans' History Awareness Month and develop appropriate curriculum around that.

- **S130 – Provide Funding/NC Military Business Center** - appears to be in Senate Appropriations Committee, and not included in the budget.
- **S403 (H489) - Child Abuse & Neglect/Military Affiliation** – in Senate Rules Committee. Would have directed DHHS director to include military affiliation information of a parent or custodian being investigating following report of abuse or neglect, and requires reporting to Command.
- **S366(H470) – Responsible Wind Energy Implementation** – in Senate Rules Committee. One of a number of wind-related energy pieces of legislation that popped up. It is lengthy, and you are invited to review this online so as not to fall behind on agenda.
- **S57 - Purchase Pistol Permit/Retired Veteran ID** – in Senate Judiciary Committee. Would have provided that a retired veteran applying for a permit could provide military ID card showing retired status in lieu of DD-214, allow that it satisfy any requirement for a discharge document in the permit process for a firearm.
- **S129 - Track Outcomes of Veterans Programs** - in Senate Commerce Committee. Would have involved tracking of program outcomes by DMVA, and would have required findings and recommendations to be submitted to Chairs of Senate and House Subcommittees on General Government by December 2, 2017.
- **S153 - Military State Income Tax Relief** – passed the Senate and is in the House Finance Committee. Would have held that NC taxable income excludes military pay of an active duty member of any branch of the Armed Forces for the period the member is not present in the State in compliance with military orders, so long as he/she is an NC resident. Would have established a deduction for the amount received during taxable year from the US Government as retirement pay for a retired member of the Armed Forces.
- **S12 - Veterans Memorial/Funds** – in Senate Appropriations Committee and does not appear to be included in the budget. Would have appropriated \$250k in non-recurring funds to DMVA for a veterans’ memorial in Broadway, NC. Rep. Cleveland believes that is in the budget. Ms. Gupta will go back and clarify that.
- **S125 - Children of Wartime Veterans Modifications** – passed the Senate and is in the House Rules Committee. Would have amended existing law for the definition of “child” for scholarship program administered by DMVA. Would have expanded to reflect the federal definition.
- **S131 – Regulatory Reform Act of 2016-2017** – signed into law. In part established NC Sentinel Landscapes Committee. Requires the Committee to report to the NCMAC annually, beginning September 1, 2017. Among the members are the Commissioner of Agriculture, DMVA Secretary, DNCR Secretary, Exec. Director of Wildlife Resources Commission, and Dean of College of Natural Resources at NC State.
- **S419 – Planning/Development Changes** – passed the Senate and is in the House Rules Committee. In part provided that if adoption or modification of a local planning and development regulation would result in changes to the zoning map or affect permitted uses of land located 5 miles or less from perimeter boundary of a military base, that local government shall provide written notification of changes by certified mail to Commander of the base not less than 10 days of date of hearing. Would require local government board to take into consideration comments made by base into consideration before making decision on ordinance.

House legislation filed in the 2017 long session included:

- **H488 (S401) - Early Rental Termination by Military Members** – passed the House and is in the Senate Judiciary Committee. Would extend protections for early termination of rental agreement for service members to active Guard, Reservists, military technicians.
- **H681. Teacher Licensure/Military Spouses** – Passed the House, and is in the Senate Rules Committee. Among other language in the bill, what is notable is it provides for a 2-year temporary license for military spouses with teacher licenses in other jurisdictions whose licensure requirements are not substantially equivalent to or exceeding North Carolina requirements while applicant works to meet NC requirements.
- **H574 - Wind Energy/Consistency With Military** – in the House Committee on Homeland Security. Another quite involved bill. One requirement would have been for an applicant to obtain a letter to proceed from DMVA prior to receiving a permit for construction or expansion of a wind energy facility, and would have directed DMVA to issue a letter after making finding that proposed facility would not cause significant adverse impacts on air navigation routes, air traffic control area, military training routes or radar – perhaps problematically directs DEQ to treat a failure by DMVA to issue that letter to be treated as confirmation that facility would not cause any such interference, and therefore a green light.
- **H326 - Military College Plates/Reduce Applications** – in the House Finance Committee. Would reduce number of applications that must be received by DMV before a special collegiate plate could be issued for a public military college or university.
- **H484 (S405) - Servicemembers Civil Relief Act** – was taken off the House twice and re-referred to House Judiciary I Committee. would expand definition of military service under federal definition to include state active duty service by member of NCNG under Governor’s order for more than 30 consecutive days, and state active duty service by members of other states’ NG under that state’s Governor’s order for a period of more than 30 consecutive days.
- **H483 - Vet. Posttraumatic Stress/Mitigating Factor** – passed the House and in the Senate Rules Committee. Would have created new subdivision providing mitigating factor that defendant has been suffering with PTSD as a result of military service and is undergoing treatment for that condition.
- **H711 - Increase Hate Crime Punishment** – in House Judiciary I. Would have amended existing law to elevate a Class II or Class III misdemeanor motivated in whole or substantial part by victim’s military or veterans’ status to a Class A I misdemeanor. Enhanced sentences for defendant found guilty.
- **H746 - NC Constitutional Carry Act** –passed the House and in the Senate Rules Committee. Amends existing law to eliminate provision allowing concealed handgun permitted to carry it during 90 days following end of deployment when the permit expired during his/her deployment.
- **H66 - Veterans Plates/Vehicle Weight Restriction** – in the House Transportation Committee. Would have allowed DMVA to issue certain military special registration plates free of charge for motor vehicles weighing less than excess of 17,000 pounds.
- **H487 - Nat. Guard Reemployment Rights/Definitions** – presented to the Governor and awaiting a reply. Provides definitions that clarify National Guard reemployment rights and extending reemployment application period for National Guard members who injured during duty, provides if state duty exceeded 30 days, the employee must make written application for reemployment with employer within 14 days of their release from state duty; requires restoration to previous position or other position as previously specified. Would have established that if employee is hospitalized for, or convalescing from an illness or injury incurred

during duty, that employee must make application for reemployment during a period of recovery limited to 2 years absent an extension by the Commissioner of Labor.

- **S331(H465) - Military Operations Protection Act of 2017** - included in H589 (with an adjustment specifying an 18-month wind moratorium) and awaiting a response from the Governor. Has now in part been included in H589 with an adjustment to the period of the moratorium from 4 years to 18 months.
- **S257 – 2017 Budget**
  - Section 11.1(c) (would have been appropriation to DMVA in amount of \$8,020,064 for need based student financial aid for the 2017-2019 biennium.) Does not appear to have made it into final budget.
  - Section 12(B).2(l) is included and appears in Section 11B.3.(k) DoD certified child care facilities may participate in state subsidized child care program that provides for the purchase of care in child care facilities for minor children in needy families provided that funds allocated from state subsidized child care program to those DoD certified child care facilities *supplement* and not *supplant* funds allocated in accordance with a separate subsection.
  - Section 12J.1.(aa) is included in Section 11A.14(e). The sum of one million six hundred twenty-five thousand dollars (\$1,625,000) for each year of the 2017-2019 fiscal biennium and the sum of one million six hundred thousand dollars (\$1,600,000) in Section 11L.1 of this act in Substance Abuse Prevention and Treatment Block Grant funds in each year of the 2017-2019 fiscal biennium to Triangle Residential Options for Substance Abusers, Inc. (TROSA) for the purpose of assisting individuals with substance abuse addiction. TROSA shall be required to seek future funding through the competitive grants process in accordance with subsection (b) of this section. This would have been allocated to DMVA to establish call-in center to assist veterans in locating service benefits and crisis services, and now goes to TROSA.

Ms. Gupta commended Commissioner Frank Bottorff for his support of Senator Brown's moratorium legislation. He wrote a letter to the Governor and circulated it. On behalf of Senator Brown, he is disappointed with the level of the support that the MAC has lent to his proposal. Senator Brown, from all that Ms. Gupta continues to read in the press, is maligned. His intentions toward our installations are second guessed, there have been some unfair reporting, and he has been fighting a lonely battle to get support for this wind moratorium. We have discussed with some frequency that the value of our installations is the unimpeded ability they offer our service members to train. With every new development and potential encroachment chips away at that value that our installations bring. That is something that Commissioner Bottorff succinctly calls this out in his letter to the Governor. Ms. Gupta stressed the importance of everyone finding the time to support Senator Brown's wind moratorium that has now been incorporated into the House bill and is awaiting the Governor's signature – write, call the Governor, write an op-ed – but Senator Brown has been a solo voice on this and has been unfairly maligned, and being second-guessed that there is military concern at the heart of this issue.

Commissioner Ratti appreciates Ms. Gupta's comments and did not receive Commissioner Bottorff's letter; he would appreciate a copy. This was brought up in a different Committee that did not have complete information as to when a decision was to be made and what was expected. Commissioner Ratti added we did not have enough information, and was sure Commissioner Bottorff had done his homework; perhaps seeing the letter would help others come aboard.

Commissioner Ratti asked about S131 and the Sentinel Landscapes Committee, whether any of the MAC standing Committees have this for action – had not heard about that requirement. Ms. Gupta is unaware of a new subcommittee that would hear a report from the Sentinel Landscapes Committee. She will double-check to ensure that requirement has not been stripped from the bill in any last-minute changes, and provided that is still there, the ESG may want to discuss how they want to treat this new requirement, and where they could receive a report, whether in a special committee or to the full Commission. He added that he would appreciate information on the Committee so that Sustainability can be looking at whether this needs to be assigned to a MAC standing committee.

There was discussion about bills in legislative committee and in crossover being eligible to be raised while in session.

Ms. Barretto mentioned that the minutes from the last meeting were not voted on today, and will need to be taken up at the next meeting with a quorum present.

With no further questions or comments, and a motion by Rep. Cleveland to adjourn, Ms. Gupta adjourned the meeting at 11:40am.