

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-445
SENATE BILL 1117**

**AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND
GUARDSMEN SUPPORT ACT.**

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

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

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

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

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

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

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

Whereas, North Carolina ranks high in the United States with 4.5% of the total military payroll, and defense spending in the 2002 federal fiscal year in North Carolina was approximately \$6.7 billion; and

Whereas, the military in North Carolina materially affects North Carolina's economy, generating approximately \$18 billion per year; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. FINDINGS.

SECTION 1.1. The General Assembly expresses its appreciation to the Department of Defense for the military bases and installations that are located in the State of North Carolina and that are vital parts of the national defense of the United States.

SECTION 1.2. The General Assembly declares its full support for its military installations and acknowledges the important role of the military in North Carolina's economy.

SECTION 1.3. The General Assembly has enacted several recent acts to accommodate the military and intends to continue:

- (1) S.L. 2004-203, Section 80 (deployed personnel get extension to renew occupational licenses).
- (2) S.L. 2004-130 (active duty personnel get in-State tuition rate at universities and community colleges; dependent relative continues to receive in-State rate if member reassigned; nonresident North Carolina National Guard members get in-State rate).
- (3) S.L. 2003-152 (DMV to have a military designation for drivers licenses; allow renewal by mail).
- (4) S.L. 2003-248 (allow redaction of personal identifying information from military discharges filed with register of deeds).
- (5) S.L. 2003-300 (extend drivers license to 90 days following end of deployment; waive civil penalties and fees for lapsed motor vehicle liability insurance; extend property tax filing deadline; extend property listing deadline; grant full refund of tuition and fees from UNC system and community colleges if deployed; waive repayment of North Carolina Legislative Tuition Grants if student called to active duty).

**PART IA. MILITARY MORALE, RECREATION AND WELFARE FUNDS,
CONSERVATION GRANT FUNDS.**

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

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

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

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

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

**PART II. ENCOURAGE CERTAIN OCCUPATIONAL LICENSING BOARDS TO
DEVELOP POLICIES FOR EXPEDITING THE LICENSING PROCESS FOR
MILITARY SPOUSES.**

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

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

SECTION 2.2.(a) In an effort to support military personnel and their families, each occupational licensing board in this State is encouraged to develop policies that would make the licensing process for military spouses more efficient and expedient. In expediting the licensing process, an occupational licensing board shall

review its current licensing process especially as it relates to military personnel. After reviewing the licensing process, the licensing board may develop and implement policies regarding licensure that provide for assistance to military spouses and dependents to ensure a smooth process when military families move into this State or are transferred out of this State. Implementation of these policies shall not apply to occupational licensing boards regulating health care professionals.

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

PART III. NEIT/FIT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any active duty member of the armed services qualifying for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the in-State tuition rate and applicable mandatory fees for enrollments while the member of the armed services is abiding in this State incident to active military duty in this State. In the event the active duty member of the armed services is reassigned outside of North Carolina, Carolina or retires, the member shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the member is continuously enrolled in the

degree or other program in which the member was enrolled at the time the member is reassigned.

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

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

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

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

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

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

"(1) Admission of Students. – The School shall admit students in accordance with criteria, standards, and procedures established by the Board of Trustees. To be eligible to be considered for admission, an applicant must be either a legal resident of the State, as defined by G.S. 116-143.1(a)(1); G.S. 116-143.1(a)(1), or a student whose parent is an active duty member of the armed services, as defined by G.S. 116-143.3(2), who is abiding in this State incident to active military duty at the time the application is submitted, provided the student shares the abode of that parent; eligibility to remain enrolled in the School shall terminate at the end of any school year during which a student becomes a nonresident of the State. The Board of Trustees shall ensure, insofar as possible without jeopardizing admission standards, that an equal number of qualified rising high school juniors is admitted to the program and to the residential summer institutes in science and mathematics from each of North Carolina's congressional districts. In no event shall the differences in the number of rising high school juniors offered admission to the program from each of North Carolina's congressional districts be more than two and one-half percentage points from the average number per district who are offered admission."

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

PART IX. EFFECTIVE DATE.

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

In the General Assembly read three times and ratified this the 30th day of August, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:17 a.m. this 28th day of September, 2005