

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

S

D

SENATE BILL 613  
Commerce Committee Substitute Adopted 5/8/13  
PROPOSED COMMITTEE SUBSTITUTE S613-PCS85229-RK-49

Short Title: Create Military Affairs Commission.

(Public)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** The North Carolina Advisory Commission on Military Affairs is hereby abolished.

**SECTION 2.** Chapter 127C of the General Statutes reads as rewritten:

**"Chapter 127C.**

~~"Advisory Commission on Military Affairs, North Carolina Military Affairs Commission.~~

~~"§ 127C-1. Creation of the North Carolina Advisory Commission on Military Affairs. Commission established; purpose; transaction of business.~~

(a) Establishment. – There is established the North Carolina Military Affairs Commission. The Commission shall be established within the Office of the Governor. The Department of Commerce is responsible for organizational, budgetary, and administrative purposes.

(b) Purpose. – The Commission shall provide advice, counsel, and recommendations to the Governor, the General Assembly, the Secretary of Commerce, and other State agencies on initiatives, programs, and legislation that will continue and increase the role that North Carolina's military installations, the National Guard, and Reserves play in America's defense strategy and the economic health and vitality of the State. The Commission is authorized to:

(1) Coordinate and provide recommendations to the Governor, General Assembly, and State agencies to protect North Carolina's military installations from incompatible development, encroachment, or other initiatives that could result in degradation or restrictions to military operations, training ranges, or low level routes.

(2) Cooperate with military installations to facilitate the military mission, training, and continued presence of major military installations in the State, and notify the commanding military officer of a military installation and the governing body in affected counties and municipalities of any economic development or other projects that may impact military installations.

(3) Identify and support ways to promote quality of life for military members and their families, such as providing a sound infrastructure, affordable housing, affordable education, and transition support into North Carolina's workforce for military members and their families, military retirees, and veterans.



\* S 6 1 3 - P C S 8 5 2 2 9 - R K - 4 9 \*

- 1           (4)    Lead the State's initiative to prepare for the next round of Base Realignment  
2           and Closure (BRAC), as defined by the Governor and the General  
3           Assembly, with input from local military communities.
- 4           (5)    Identify and support economic development organizations and initiatives  
5           that focus on leveraging the military and other business opportunities to help  
6           create jobs and expand defense and homeland security related economic  
7           development activity in North Carolina.
- 8           (6)    Assist military installations located within the State by coordinating with  
9           commanders, communities, and State and federal agencies on affairs that  
10          affect military installations and may require State coordination and  
11          assistance.
- 12          (7)    Support the long-term goal of a viable and prosperous military presence in  
13          the State, which shall include development of comprehensive economic  
14          impact studies of military activities in North Carolina, updated every two  
15          years with recommendations for initiatives to support this goal.
- 16          (8)    Supporting environmental and sustainability initiatives such as the Southeast  
17          Regional Partnership for Planning and Sustainability, the Army's Compatible  
18          Use Buffer Program, the Working Lands Group, Regional Environmental  
19          Protection Initiative, their successors, and related initiatives.
- 20          (9)    Adopt processes to ensure that all planning, coordination, and actions are  
21          conducted with timely consideration having been given to relevant military  
22          readiness or training concerns and with appropriate communications with all  
23          potentially affected military entities.
- 24          (10) Share information and coordinate efforts with the North Carolina  
25          congressional delegation and other federal agencies, as appropriate.
- 26          (11) Any other issue or matter that the Commission deems essential to fulfilling  
27          its purpose.

28          (c)    Transaction of Business. – The Commission shall meet, at a minimum, at least once  
29          during each quarter, and shall provide a report on military affairs to the Governor and to the  
30          General Assembly at least every six months. Prior to the start of a Regular Session of the  
31          General Assembly, the Commission shall report to the General Assembly with  
32          recommendations, if any, for legislation. Priority actions or issues may be submitted at any  
33          time.

34          ~~There is created in the Office of the Governor the North Carolina Advisory Commission on~~  
35          ~~Military Affairs to advise the Governor and the Secretary of Commerce on protecting the~~  
36          ~~existing military infrastructure in this State and to promote new military missions and~~  
37          ~~economic opportunities for the State and its citizens.~~

38          "**§ 127C-2. Membership.**

39          (a)    ~~The North Carolina Advisory Commission on Military Affairs~~ Commission shall  
40          ~~consist of 21 voting members, who shall serve on the Executive Committee, and 17 nonvoting,~~  
41          ~~ex officio members who shall serve by reason of their positions~~ 20 voting members who are  
42          ~~either appointed by the Governor, the Speaker of the House of Representatives, and the~~  
43          ~~President Pro Tempore of the Senate or serve as nonvoting ex officio members as provided in~~  
44          ~~this section.~~

45          (b)    ~~The Executive Committee~~ voting members of the Commission shall be appointed as  
46          follows:

- 47          (1)    ~~Three members appointed by the Speaker of the House of Representatives,~~  
48          ~~one of whom shall be a member of a recognized veterans' organization.~~ 10  
49          ~~members appointed by the Governor, consisting of:~~  
50          a.     One person residing near Camp Lejeune, who is retired from the  
51          military and is actively involved in a military affairs organization, or

- 1 a person who is involved in military issues through civic,  
2 commercial, or governmental relationships.
- 3 b. One person residing near Marine Corps Air Station Cherry Point,  
4 who is retired from the military and is actively involved in a military  
5 affairs organization, or a person who is involved in military issues  
6 through civic, commercial, or governmental relationships.
- 7 c. One person residing near Seymour Johnson Air Force Base, who is  
8 retired from the military and is actively involved in a military affairs  
9 organization, or a person who is involved in military issues through  
10 civic, commercial, or governmental relationships.
- 11 d. One person residing near Ft. Bragg, who is retired from the military  
12 and is actively involved in a military affairs organization, or a person  
13 who is involved in military issues through civic, commercial, or  
14 governmental relationships.
- 15 e. One person residing near Coast Guard Station Elizabeth City, who is  
16 retired from the military and is actively involved in a military affairs  
17 organization, or a person who is involved in military issues through  
18 civic, commercial, or governmental relationships.
- 19 f. Five persons who may reside in any part of the State, who are  
20 involved in military issues through civic, commercial, or  
21 governmental relationships.
- 22 (2) ~~Three members appointed by the President Pro Tempore of the Senate, one~~  
23 ~~of whom shall be a member of a recognized veterans' organization.~~ Five  
24 members appointed by the Speaker of the House of Representatives,  
25 consisting of:
- 26 a. One member of the House of Representatives, who will serve as the  
27 liaison to the Commission.
- 28 b. One person residing near Camp Lejeune, who is retired from the  
29 military and is actively involved in a military affairs organization, or  
30 a person who is involved in military issues through civic,  
31 commercial, or governmental relationships.
- 32 c. One person residing near Marine Corps Air Station Cherry Point,  
33 who is retired from the military and is actively involved in a military  
34 affairs organization, or a person who is involved in military issues  
35 through civic, commercial, or governmental relationships.
- 36 d. One person residing near Seymour Johnson Air Force Base, who is  
37 retired from the military and is actively involved in a military affairs  
38 organization, or a person who is involved in military issues through  
39 civic, commercial, or governmental relationships.
- 40 e. One person residing near Ft. Bragg, who is retired from the military  
41 and is actively involved in a military affairs organization, or a person  
42 who is involved in military issues through civic, commercial, or  
43 governmental relationships.
- 44 (3) ~~Fifteen members appointed by the Governor, consisting of:~~ Five members  
45 appointed by the President Pro Tempore of the Senate, consisting of:
- 46 a. Three representatives from the Jacksonville community. One member  
47 of the Senate, who will serve as the liaison to the Commission.
- 48 b. Three representatives from the Havelock community. One person  
49 residing near Camp Lejeune, who is retired from the military and is  
50 actively involved in a military affairs organization, or a person who

- 1 is involved in military issues through civic, commercial, or  
 2 governmental relationships.  
 3 c. Three representatives from the Goldsboro community. One person  
 4 residing near Marine Corps Air Station Cherry Point, who is retired  
 5 from the military and is actively involved in a military affairs  
 6 organization, or a person who is involved in military issues through  
 7 civic, commercial, or governmental relationships.  
 8 d. Three representatives from the Fayetteville community. One person  
 9 residing near Seymour Johnson Air Force Base, who is retired from  
 10 the military and is actively involved in a military affairs organization,  
 11 or a person who is involved in military issues through civic,  
 12 commercial, or governmental relationships.  
 13 e. Three public members from across the State. One person residing  
 14 near Ft. Bragg, who is retired from the military and is actively  
 15 involved in a military affairs organization, or a person who is  
 16 involved in military issues through civic, commercial, or  
 17 governmental relationships.

18 (c) The following ~~members, office holders~~ or their designee, shall serve ~~ex officio~~ as  
 19 nonvoting ex officio members of the Commission:

- 20 (1) The Lieutenant Governor.  
 21 ~~(1a)(2)~~ Secretary of Public Safety.  
 22 ~~(2)(3)~~ Secretary of Commerce.  
 23 ~~(2a)(4)~~ The Secretary of Transportation.  
 24 ~~(2b)(5)~~ The Secretary of the Department of Environment and Natural Resources.  
 25 ~~(3)(6)~~ Commanding General 18th Airborne Corps, Fort Bragg. The Commissioner  
 26 of Agriculture.  
 27 ~~(4)~~ Commanding General Marine Corps Base, Camp Lejeune.  
 28 ~~(5)~~ Commanding General Marine Corps Air Station, Cherry Point.  
 29 ~~(6)~~ Commander 4th FW, Seymour Johnson Air Force Base.  
 30 ~~(7)~~ Commander 43rd Airlift Wing, Pope Air Force Base.  
 31 ~~(8)~~ Commander of the U.S. Coast Guard Support Center, Elizabeth City.  
 32 ~~(9)(7)~~ Adjutant General of the North Carolina National Guard.  
 33 ~~(10)(8)~~ The Executive Director of the North Carolina League of Municipalities.  
 34 ~~(11)~~ The Executive Director of the North Carolina Association of County  
 35 Commissioners.  
 36 ~~(12)(9)~~ The Assistant Secretary for Veterans Affairs, Department of Administration.  
 37 ~~(13)(10)~~ The President of The University of North Carolina.  
 38 ~~(14)(11)~~ The President of the North Carolina Community College System.  
 39 (12) The Superintendent of Public Instruction.

40 (c1) The following officers, or their designee, shall be invited to serve as nonvoting ex  
 41 officio members of the Commission:

- 42 (1) Commanding General, 18th Airborne Corps, Ft. Bragg.  
 43 (2) Commanding General, Marine Corps Installations East.  
 44 (3) Commanding Officer, Marine Corps Air Station, Cherry Point.  
 45 (4) Commanding Officer, 4th Fighter Wing, Seymour Johnson Air Force Base.  
 46 (5) Commanding Officer, U.S. Army Corps of Engineers, Wilmington District.  
 47 (6) Commanding Officer, U.S. Coast Guard Base, Elizabeth City.  
 48 (7) Commanding Officer, Marine Corps Air Station, New River.  
 49 (8) Commanding Officer, Camp Lejeune Marine Corps Base.  
 50 (9) Commanding Officer, Fleet Readiness Center East.  
 51 (10) Commanding Officer, Military Ocean Terminal, Sunny Point.

1 (d) ~~The Governor shall designate one member of the Executive Committee appointed~~  
2 ~~pursuant to subsection (b) of this section to serve as chair. The Executive Committee shall elect~~  
3 ~~four persons from amongst its membership to serve as vice chairs.~~Chair of the Commission  
4 shall be appointed by the Governor from the voting members of the Commission.

5 (e) ~~The terms of the members of the Executive Committee shall be as follows:~~

6 (1) ~~The members initially appointed by the Speaker of the House of~~  
7 ~~Representatives and the President Pro Tempore of the Senate shall serve~~  
8 ~~terms ending on December 31, 2003.~~

9 (2) ~~Seven of the members appointed by the Governor shall serve initial terms~~  
10 ~~ending on December 31, 2002.~~

11 (3) ~~Eight of the members appointed by the Governor shall serve initial terms~~  
12 ~~ending on December 31, 2003.~~

13 ~~Thereafter, all members shall serve two-year terms.~~

14 (e) The voting members of the Commission shall serve for two-year terms, with no  
15 prohibition against being reappointed, except initial appointments shall be for terms as follows:

16 (1) The Governor shall initially appoint six members for a term of two years and  
17 four members for a term of three years.

18 (2) The President Pro Tempore of the Senate shall initially appoint the member  
19 of the Senate and two members for a term of two years and two members for  
20 a term of three years.

21 (3) The Speaker of the House of Representatives shall initially appoint the  
22 member from the House of Representatives and two members for a term of  
23 two years and two members for a term of three years.

24 Initial terms shall commence on July 1, 2013.

25 (f) The initial meeting of the Commission shall be within 30 days of the effective date  
26 of this act at a time and place to be determined by the Secretary of Commerce. The first order  
27 of business at the initial meeting of the Commission shall be the adoption of bylaws and  
28 establishment of committees, after which the Commission shall meet upon the call of the  
29 Chairman or the Military Advisor within the Office of the Governor. The members shall  
30 receive no compensation for attendance at meetings, except a per diem expense reimbursement.  
31 Members of the Commission who are not officers or employees of the State shall receive  
32 reimbursement for subsistence and travel expenses at rates set out in G.S. 138-5 from funds  
33 made available to the Commission. Members of the Commission who are officers or employees  
34 of the State shall be reimbursed for travel and subsistence at the rates set out in G.S. 138-6 from  
35 funds made available to the Commission. The Department of Commerce shall use funds within  
36 its budget for the per diem, subsistence, and travel expenses authorized by this subsection.

37 **"§ 127C-3. Military Advisor.**

38 The Military Advisor within the Office of the Governor shall serve as the administrative  
39 head of the Commission and be responsible for the operations and normal business activities of  
40 the Commission, with oversight by the ~~Executive Committee.~~Commission.

41 **"§ 127C-4. Purposes.**

42 ~~The Commission shall have the following responsibilities and duties:~~

43 (1) ~~Advise the Governor and Secretary of Commerce on how to strengthen the~~  
44 ~~State's relationship with the military to protect the installations of this State~~  
45 ~~from the results of any future defense budget cuts or military downsizing by~~  
46 ~~providing a sound infrastructure, affordable housing, and affordable~~  
47 ~~education for military members and their families, working to be viewed by~~  
48 ~~national military leaders as the most military friendly State in the nation.~~

49 (2) ~~Develop a strategic plan to provide initiatives to support the long-term~~  
50 ~~viability and prosperity of the military of this State that shall include, at~~  
51 ~~least:~~

- 1                   a.     ~~A comprehensive Economic Impact Study of Military Activities in~~
- 2                   ~~North Carolina to be conducted by the North Carolina State~~
- 3                   ~~University Department of Economics and the East Carolina~~
- 4                   ~~University Office of Regional Development.~~
- 5                   b.     ~~A Strengths/Weaknesses/Opportunities/Threats (SWOT) Analysis~~
- 6                   ~~conducted by a professional strategic planning group on the current~~
- 7                   ~~status of the military in North Carolina.~~
- 8               (3)   ~~Study ways to improve educational opportunities for military personnel in~~
- 9               ~~North Carolina.~~
- 10             (4)   ~~Assist in coordinating the State's interests in future activities of the~~
- 11             ~~Department of Defense.~~
- 12             (5)   ~~Promote initiatives to improve the quality of life for military personnel in~~
- 13             ~~this State."~~

14   **SECTION 3.** This act becomes effective July 1, 2013.